Report of the

Advisory Committee
on
Liquor Regulation

Ontario

REPORT OF THE
ADVISORY COMMITTEE
ON
LIQUOR REGULATION

February, 1987

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The Honourable Monte Kwinter
Minister of Consumer & Commercial Relations
555 Yonge St.
9th Floor
Toronto, Ontario
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Dear Mr. Minister:

It is my pleasure to submit to you the report of the Advisory Committee on Liquor Regulation.

The Advisory Committee, I believe, has fulfilled its mandate in making meaningful recommendations for your review and consideration. The Committee has carefully considered the various interests, and based on these considerations is making recommendations for socially responsible reform to take Ontario constructively into the next decade.

I appreciate having had the opportunity to serve as Chairman and I wish to thank all the Committee members who unselfishly devoted their talent, personal time and effort to make these recommendations.

I would also like to recognize the valuable contribution made by Eric Single, who acted as special advisor to the Committee. Dr. Single brought his substantial knowledge and the insights of his experience with the Addiction Research Foundation to our deliberations.

In addition, I would like to extend my thanks to all those involved in the work of the Advisory Committee. I particularly wish to thank those members of the public, the industry and groups with special interests who made the effort to bring their views to the Committee.

Yours sincerely,

Steven Offer, MPP
Chairman

CHAIRMAN

Steven Offer, MPP

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EXECUTIVE SUMMARY

The Advisory Committee on Liquor Regulation was constituted to ensure that change in Ontario liquor laws would be responsible and would reflect public attitudes and expectations. The Committee proposes a number of changes to update and simplify the regulations so that the rules are readily understandable and enforceable; at the same time, the Committee recommends maintaining essential controls over this potentially harmful drug. The report emphasizes the promotion of moderation in the consumption of beverage alcohol, individual responsibility related to alcohol use, and responsible service of alcohol in licensed establishments.

In its discussion on values, the Committee recommends that the Liquor Licence Board of Ontario (LLBO) adopt a broader social perspective in beverage alcohol regulation. The LLBO should pursue the goals of moderation and responsibility related to the service and consumption of beverage alcohol. This philosophy should also be reflected in all government policy related to beverage alcohol.

The Committee recommends that the Liquor Licence Act should be clarified to indicate that the authority of the LLBO to consider the needs and wishes of the local community related to licensing of an establishment concerns only matters directly related to the service of beverage alcohol and not to matters of municipal approval or zoning. The Board should retain the authority to convene hearings to inquire into the conduct of a licensed establishment as it relates to service of beverage alcohol, in regard to the general public interest.

The Committee proposes a new system of licence classification with only five classes of licence instead of the current twelve. All licensed establishments should be required to serve food because consumption of food with alcohol slows the increase in a person's blood-alcohol level, and lowers the peak.

The three licence classes for all licensed establishments, as recommended by the Committee, are: an "A" licence for dining establishments with minimum food sales of 55 per cent of all receipts; a "B" licence for establishments with food available sufficient for a light meal; a "C" licence available to unlicensed or licensed establishments to allow patrons to bring their own beverage alcohol; to be eligible for a "C" licence, the establishment must be a restaurant with a full menu.

The Committee makes a distinction between the "A" and "B" licence and retains a food-beverage ratio for the "A" licence to assist municipalities to zone according to the type of establishment the municipal authority chooses to allow in certain neighbourhoods. The other two licence classes are: "D" for beverage alcohol delivery services, and "E" for manufacturers of beverage alcohol.

There are also a number of detailed recommendations in the report changing the requirements for special premises, including stadiums, hotels, recreational facilities, ships, clubs and patios. The Committee suggests a transition period to phase in the new licence system -- existing licences should be "grandfathered" until they come up for renewal or such time as the licensee makes application for a new type of licence, whichever comes first.

The Committee recommends that the rules for Special Occasion Permits (SOPs) be overhauled. The new system retains the SOP for fund-raising events for charitable, educational and community service purposes as well as community festivals. However, social events at which alcohol is sold would no longer be eligible for an SOP (with the exception of wedding receptions which will still qualify for an SOP); these events may be held in a licensed establishment or may be served by a licensee who has a special endorsement on his or her licence. The endorsement would allow licensees to serve beverage alcohol outside their own establishments at locations which meet LLBO criteria.

The Committee proposes that an SOP should not be required for events held in a private place when there is no sale of beverage alcohol directly or indirectly, the event is for invited guests only, and there is no public solicitation. The Committee defines private place as a place not ordinarily open to the public and not open to the public at the time of beverage alcohol service. No-sale events in a public place would require an SOP. As well, ongoing, regularly-scheduled events should be held under a regular LLBO licence and SOPs should no longer be issued for such events.

The Committee recommends that maximum hours of sale and service of beverage alcohol in all licensed establishments should be 10 a.m. to 2 a.m. daily. Establishments with a Class "B" licence should be required to remain open one hour after cessation of service of alcohol, or until the last patron has left the premises, whichever comes first, to serve non-alcoholic beverages and food.

The Committee recommends that the legal drinking age should remain at 19. The Committee focused on what it identified as the major problem associated with drinking by young people: drinking and driving. It recommends the Government consider creation of a special offence under the Highway Traffic Act to apply to the probationary driver who registers a reading in the breathalyzer test of over .015 per cent Blood-Alcohol Concentration (BAC). Penalty on conviction would be a 30-day licence suspension and six demerit points. The BAC of .015 was chosen because it allows only a trace amount in the driver's system and it is the level at which signs of impairment first appear in laboratory tests.

The Committee calls for an increase in the $53 set fine for an out-of-court guilty plea on a charge of underage drinking. It also suggests that law enforcement officers should be encouraged to proceed by summons on an underage drinking charge to require a court appearance by the accused.

Licensees are now prohibited from selling or supplying beverage alcohol to persons under the legal drinking age. The Committee recommends that a new offence be created under the Liquor Licence Act for any licensee who knowingly permits consumption of beverage alcohol by a person under the legal drinking age.

The Committee recommends that all beverage alcohol advertising be consistent with a philosophy of moderation and responsibility in the consumption of alcohol. Within that general context, all beverage alcohol advertising should be required to adhere to the following specific standards such that no advertising:

- appeal, directly or indirectly, to persons under the legal drinking age;
- appeal, directly or indirectly, to non-drinkers;
- associates drinking with operating a motor vehicle or with any other activity which involves care and skill or elements of physical danger;
- imply that consumption of beverage alcohol contributes to personal or social success;
- appear to reinforce behaviour which can lead to adverse health or social consequences.

In addition, all beverage alcohol manufacturers should be required to dedicate a significant proportion of their advertising and promotion expenditures to public service advertising to educate the public about the potential hazards of alcohol consumption.

All types of beverage alcohol and all advertising media should be subject to the same standards, as should advertising by licensees. The Committee recommends that the new advertising rules should be referenced in the regulations or should be in regulatory form.

The Committee examined the issue of adult entertainment in licensed establishments, but recommends no action be taken to regulate this kind of entertainment through the Liquor Licence Act. The Committee concluded that beverage alcohol legislation is not the appropriate vehicle for dealing with adult entertainment.

The Committee recommends that inducements by beverage alcohol manufacturers or their agents should continue to be prohibited and that regulations should be clarified and strengthened to enforce the prohibition. A clear definition of an inducement should be included in the regulations to indicate that it is an act by a manufacturer or its agent which is intended to persuade a licensee to order more of that manufacturer's product to the partial or total exclusion of other manufacturers' products.

Promotions should be clearly defined in the regulations to indicate that they must be materials or activities directed at the consumer and not the licensee. A financial cap is recommended on the amount of promotional materials given to or received by a licensee, based on the number of seats in an establishment, up to a total financial limit per licensee per year.

In the complex area of civil liability related to service of alcohol, the Committee recommends that the existing section (53) in the Liquor Licence Act, which applies to the sale of beverage alcohol, be replaced with a section providing an exclusive statutory remedy for liability pertaining to over-service of alcohol and service to underage persons. The new section should be fault-based, requiring that the alcohol provider be found to have knowingly or negligently served a person to impairment or served a person under the age of 19 years. The new section should encompass death or injury to the alcohol consumer or third parties, and should cover all providers of beverage alcohol for sale, and all providers of alcohol in a public place. The concept of intoxication in this and other sections of the Act should be replaced by the concept of impairment.

In the area of education, the Committee recommends a mandatory training program for all beverage alcohol servers in licensed establishments in the province to ensure that they are aware of their responsibilities under the law and the importance of preventing over-service of alcohol or service to persons under the legal drinking age. The Committee also proposes that a proportion of Liquor Control Board of Ontario (LCBO) revenues be designated to provide significant additional funds for an effective and continuing alcohol education program, targetted particularly at the young.

The Committee also examined related LCBO issues. It recommends that the LCBO carry out its mandate in a manner consistent with the philosophy of moderation and responsibility in the consumption of beverage alcohol, and that wherever possible, the Board should actively promote that philosophy.

The Committee also suggests that there should be formal, ongoing consultations between the LLBO and the LCBO; that LCBO policies should be clearly written in the form of a manual; and that both Boards be given new names: The Alcohol Licensing Board of Ontario (now the LLBO) and The Alcohol Distribution Board of Ontario (now the LCBO). The Committee feels the new names better reflect the functions of the two Boards; use of "alcohol" instead of "liquor" is suggested for clarity since many people associate "liquor" only with spirits.

The Committee concludes its report by asking that all changes which flow from its work be monitored to assess their impact on public attitudes, consumption habits and the hospitality and beverage alcohol industries.

The Committee views its report as a package of reforms which, taken together, reflect the times in which we live and the need to promote moderation and responsibility in the use of beverage alcohol. A complete list of the recommendations is contained in Appendix 1.

REPORT OF THE ADVISORY COMMITTEE ON LIQUOR REGULATION

INTRODUCTION

The Advisory Committee on Liquor Regulation was constituted to ensure that change in Ontario liquor laws would be responsible and would reflect public attitudes and expectations. We have been greatly assisted in this effort by the hundreds of groups and individuals who gave us their views in written submissions or spoke during the public meetings held across the province last fall. We were impressed by the commitment and appreciated hearing the views and ideas of those who came forward. We have given careful consideration to them all.

Through the public consultation process, we had an opportunity to gauge current attitudes, and we are encouraged by what we found. The Committee perceives a growing public concern about the real and potential negative social and health consequences of the use of beverage alcohol. This concern is not confined to those in the health field or to any particular age level or region of the province. The Committee realizes that alcohol legislation in Ontario requires updating to bring it into line with the lifestyles and attitudes of the 1980s and 1990s.

We have made every effort to balance the various interests involved: the general public and the individual, the consumer, business and industry, and government. Our recommendations are designed to simplify the regulations, to remove redundancies and anachronistic sections and to replace them with practical, understandable and enforceable rules. The Committee believes that the changes we propose should help to promote moderation in consumption of beverage alcohol and responsible behaviour related to alcohol use.

An important aspect of the behaviour we are seeking to encourage is responsible service of alcohol. The Liquor Licence Act is primarily concerned with the commercial sale of alcohol in licensed establishments, and therefore much of this report affects licensees. However, licensed establishments account for only about one-fifth of alcohol sales across Ontario -- the rest is sold for home consumption. Therefore, much of the responsibility must fall on individuals to regulate their own consumption habits.

In the context of licensed premises, we seek to encourage responsibility and moderation by requiring that food be available wherever beverage alcohol is sold. Food is important because it slows the rise in a person's blood-alcohol level and reduces the peak. We believe that the consumption of food with alcohol should encourage the attitude that drinking is an ancillary activity.

Readers of this report will notice that we have referred to "beverage alcohol" instead of "liquor". This is for purposes of clarity; most people associate "liquor" with distilled spirits, even though the Act includes beer and wine as "liquor". Readers will also note that we have dispensed with the distinction which exists in the Act and regulations among the different types of beverage alcohol. Our reason for doing so is simple: an equivalent amount of absolute alcohol in the form of beer, wine or spirits has essentially the same effect on the person consuming it. For consistency, all types of beverage alcohol should be treated in the same way by the law.

This Committee was directed to make recommendations for change to take Ontario "constructively into the next decade". With that in mind, we have made proposals which we believe to be reasonable, progressive, fair and practical.

All of which is respectfully submitted.

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I. BACKGROUND

1. TERMS OF REFERENCE AND MANDATE

On June 4, 1986, the Minister of Consumer and Commercial Relations, the Honourable Monte Kwinter, announced the establishment of the Ontario Advisory Committee on Liquor Regulation. The terms of reference for the Committee were as follows:

> The Ministry, the Liquor Licence Board of Ontario and the Liquor Control Board of Ontario are jointly engaged in a comprehensive review of the Liquor Licence Act and Regulations and related Liquor Control Board issues.
>
> An Advisory Committee has been formed for the purpose of obtaining public and industry input on issues concerning liquor laws.
>
> SCOPE
>
> In undertaking the review and making a report, the Advisory Committee shall give particular, but not exclusive, attention to:
>
> - The general values which should be reflected in the Regulations.
> - The type and nature of licences and permits which are authorized to be issued under the Liquor Licence Act.
> - This will include the classes of premises which may be licensed, the criteria to be employed in reviewing licensing applications and the suitability of a food-liquor ratio.
> - The days and hours of operation of licensed premises throughout the province.
> - The suitability of maintaining the legal drinking age of 19 years old.
> - The suitability of forms of advertising as well as advertising content.
>
> However, due to the need by the Advisory Committee to consider as many viewpoints on these important issues and as a result of the limitations imposed by time, the Committee will not be reviewing the merits of:

- beer and wine in corner stores;
- the pricing and tax structure on alcoholic beverages; and
- national and international trade implications, i.e. General Agreement on Tariffs and Trade (GATT).

APPROACH

The Advisory Committee will be composed of members of the Board of the Liquor Licence Board of Ontario and a representative appointed by the Liquor Control Board of Ontario. The Chairman of the Committee will be Steven Offer, Parliamentary Assistant to the Minister of Consumer and Commercial Relations and the elected representative of the riding of Mississauga North.

The Committee will be assisted by staff from the Ministry, the Liquor Licence Board of Ontario and the Liquor Control Board of Ontario.

- The Advisory Committee will receive written submissions from the public and industry until July 31, 1986; and should be addressed to: The Ontario Advisory Committee on Liquor Regulation, 55 Lakeshore Blvd. East, Toronto, Ontario, M5E 1A4.

- The Advisory Committee will participate in a process of regional and local consultation, travelling throughout the province to approximately twenty centres and receiving reports and recommendations from the communities.

- The Advisory Committee, upon completion of the consultation stage of the review, will write and submit a report of their findings to the Minister of Consumer and Commercial Relations, including recommendations.

2. PUBLIC CONSULTATION PROCESS AND SUMMARY

(a) Process

In his statement to the Legislature, the Minister indicated that the Advisory Committee would receive written submissions from the industry and the public, and would travel across Ontario to receive reports and recommendations from the public relating to provincial liquor policy and to allow those who made written submissions to expand on their recommendations.

Following the Minister's announcement, the Chairman of the Committee, Steven Offer, wrote to licensees and interest groups in Ontario. He advised them of the existence of the Committee, its terms of reference and invited them to comment and/or to address the Committee. In addition, newspaper ads were taken out across the province to advise members of the public of the process.

Between September 2 and November 7 the Committee travelled to 18 centres across the province and held 23 public consultation meetings. The communities visited included: Toronto (Sept. 2), Hamilton (Sept. 3), Sudbury (Sept. 8), Kapuskasing (Sept. 12), Kingston (Sept. 16), Owen Sound (Sept. 22), Thunder Bay (Sept. 24), Barrie (Sept. 26), Cornwall (Sept. 30), Windsor (Oct. 1), Kenora (Oct. 7), Ottawa (Oct. 10), Sault Ste. Marie (Oct. 15), North Bay (Oct. 17), Peterborough (Oct. 20), Kitchener (Oct. 23), Niagara Falls (Oct. 27), London (Oct. 29), and Toronto (Oct. 30 and 31). Approximately ten days prior to each meeting, news releases were issued to advise members of the public of exact timing and location. As well, three "interest group and industry" consultation meetings, open to the public, were held on October 3, October 24, and November 7.

In total, 730 written submissions were received between June 4 and December 1. Two hundred and five oral presentations were made to the Advisory Committee. It is estimated that more than 500 people attended the consultation meetings. Appendix 2 lists those who made submissions to the Committee.

Many diverse topics related to liquor regulation were raised throughout the public consultation process. No single issue predominated. However, the majority of submissions dealt with Special Occasion Permits (SOPs), classification of licences, hours of operation, drinking age and advertising.

For the purpose of this summary, the submissions have been divided into ten categories, by interest group. Members of the public have been grouped as one. The next section gives a brief description of issues raised by these groups. Because of the number of submissions and their scope, we have attempted only to give an overview of the many comments made.

(b) Summary of Submissions

(i) Hospitality Industry

Three hundred and thirty oral and written briefs were presented by licensees and hospitality associations. Among those from the hospitality industry who made presentations to the Committee were the Ontario Hotel and Motel Association and the Ontario Restaurant and Foodservices Association. In both cases, provincial representatives as well as various regional chapters made presentations. Tourism Ontario also made a presentation on behalf of its members.

The majority of licensees and the hospitality associations favoured retention of the current drinking age of 19, stating that they felt most 19-year-olds are responsible. Even though 18 is the age of majority, it was argued that maintaining the drinking age at 19 would keep "legalized" alcohol out of the high schools. Some submissions cited concern that if the age were raised, it would hurt business and cause job losses for young people who work in licensed establishments. A few supported raising the drinking age to 21 in order to reduce both the number of younger drinkers and impaired drivers. A few supported lowering the drinking age to 18, citing the age of majority and the role education should play in encouraging responsible drinking. There was, however, a strong demand for stiffer fines for persons under 19 who consumed alcohol in licensed establishments.

The issue of advertising was raised by many licensees. Most submissions were concerned with restrictions on advertisements both inside and outside their establishments. They said they should be allowed to use words such as "cocktails" and "beer" on exterior signs in place of "Licensed under the LLBO."

Several ethnic and social licensed clubs requested the right to advertise in local newspapers because they view this as the most effective way of reaching their members. Five licensees expressed concerns about the effect "lifestyle" advertising may have in encouraging persons under the age of 19 to drink.

A great deal of concern was expressed about Special Occasion Permits (SOPs), particularly by licensees outside the Toronto area. They saw SOPs as a cause of declining business. This was attributed to the large number of SOPs issued and the resulting "unfair competition" because SOP holders are not subject to the same overhead and taxes as licensed operators. The point was stressed that only trained servers should sell alcohol at functions with SOPs to reduce alleged abuses that now occur with underage drinking and over-service of alcohol. Many of those making submissions felt that SOPs were too easily obtained. They favoured tighter restrictions as well as the elimination of SOPs for certain groups, venues and occasions. However, all agreed SOPs should be issued for charitable fund-raising purposes and family gatherings. The introduction of a catering licence was suggested as a way to alleviate many of the problems.

The extension of current hours of service received strong support, on the grounds of consumer demand, particularly in tourist and border areas. Two major concerns were competition from neighbouring jurisdictions which permit longer hours of operation and competition for convention business. It was also suggested that extended hours would benefit shift workers. The two most popular suggestions were later closings and flexible hours within a fixed time period, e.g. 16 hours of operation between 9:00 a.m. and 3:00 a.m. There was unanimous support for allowing all classes of licences to serve alcohol on Sunday.

The individual interests of licensees and others in the hospitality industry were reflected in their discussions of licence classifications. Some suggested relaxing the rules for a specific licence type only, while others asked for new licence types to accommodate recreational facilities and catering operations. With respect to the rule that a dining licence requires a minimum of 40 per cent food sales, many asked for a change in the current ratio of food to liquor sales to reflect changing lifestyles (25-75 and 20-80 were most often mentioned). Others felt that the ratio should be eliminated.

There was also a strong demand for a limit on the number of licences issued. It was argued that there is an excessive number of licences and this is detrimental to the economic health of the entire industry.

A number of submissions argued in favour of a cap on third party liability awards. It was emphasized that the law should place the major responsibility for the consequences of drinking on the patron, not on the licensee.

There were many complaints regarding several "antiquated" on-premises regulations and the pressing need for more LLBO inspectors to maintain standards and help licensees deal with problems. Licensees also requested larger discounts on beverage alcohol purchases and the introduction of off-premises sales for home consumption as an alternative to making beer and wine available in corner stores. Many favoured the concept of off-premises sales since they already have the facilities and trained staff to provide this service.

(ii) Members of the Public

This section summarizes briefs and oral presentations from 200 private individuals.

Most people commented on the drinking age, with an almost even split between maintaining it at its current level and raising it to 21. There was almost no support for lowering the age.

There was minimal concern expressed over SOPs. However, some requests were made to limit SOPs to charitable organizations. Questions were also raised regarding the usefulness of obtaining municipal clearance and the potential effectiveness of making hall owners jointly responsible for SOP functions along with organizers of these events.

On the issue of on-premises regulations, a need for more inspectors was identified. Some individuals supported introduction of a "Bring Your Own" concept where patrons would be allowed to bring their own beverage alcohol to a restaurant for consumption on-premises for a small corkage fee.

Several people advocated early and continuing education on alcohol use.

A great deal of concern was expressed about the impact of "lifestyle" advertising, particularly on impressionable young people. Further restrictions on alcohol advertising were favoured.

On the philosophy of alcohol regulation, views ranged from recommending that alcohol should be considered a food to recommending an outright ban on alcohol sales. The majority supported the regulation of alcohol since it is a potentially harmful substance.

(iii) Domestic Beverage Alcohol Producers

Ten beverage alcohol producers or their association representatives made oral and written presentations to the Committee.

The president of Hiram Walker Brands Ltd. expressed concern over the differentiation between spirits and other alcoholic beverages. Specifically, spirits are targeted for larger taxes and are subject to more restrictive advertising rules than wine and beer.

The Wine Council of Ontario proposed that wine should be treated as a food and not as an alcoholic beverage. The Council would also like wineries to be able to sell their products on winery premises and in designated tourist areas on Sundays and holidays. In addition, the Wine Council suggested home-made wine should not be allowed at SOP functions and proposed bulk wine sales as an alternative.

Upper Canada Brewing Company would like to operate a brew pub on its brewing premises.

The Brewers of Ontario defended "lifestyle" advertising by claiming that it only affects brand choice and not the level of consumption. They argued that the Canadian Radio-television and Telecommunications Commission has exclusive jurisdiction in regulating beverage alcohol advertising on radio and television. In addition, the Brewers requested that outdoor advertising be permitted and proposed fewer restrictions on print advertising and labelling and packaging of beer products.

(iv) Public Health and Social Service Agencies

Groups in this category included government agencies concerned with drug and alcohol abuse and its social and health effects. There were 14 groups in this category, including the Addiction Research Foundation (ARF) and the Ontario Public Health Association. While some called for strengthening of alcohol control measures, all groups recommended that there be no further relaxation of controls (e.g. no extension of hours, no increase in the number of SOPs) and that the current system of issuing SOPs be studied and overhauled. The ARF recommended that a health-oriented philosophy be incorporated in the legislation.

All those making submissions urged that the drinking age be increased to reduce alcohol use and impaired driving. They also urged that "lifestyle" advertising be banned or, alternatively, that equal time be provided for anti-alcohol abuse advertising. All of the agencies supported the need for more public education regarding alcohol use and abuse. In this regard, the Perth Addiction Assessment Centre called for programs to start in the early school grades aimed at teaching problem-solving skills and improving self-esteem.

Several of the groups also suggested that very low alcohol beverages, which are currently available to children in grocery stores, should be available only through the LCBO.

(v) Citizens' Groups

This category represents mainly those groups concerned with alcohol and its social costs. There were 24 groups in this category.

Parents to Reduce Impaired Driving Everywhere (PRIDE), Drinking Under The Influence (DUTI) and Peterborough Against Impaired Driving (PAID) focused primarily on drinking and driving and pointed to reduced accessibility as a major factor in resolving this problem. They favoured raising the drinking age to 21 and introducing a more rigorous probationary system before a permanent driver's licence is issued. These groups opposed extending hours of operation for licensed establishments; they argued this would lead to more incidents of drinking and driving.

Several of the groups were concerned with the impact that licensed establishments have on their neighbourhoods. The Residents Associations of Toronto, an organization representing more than 50 residents' and ratepayers' associations, was concerned about "after-hours" clubs and suggested the location of licensed establishments be controlled by municipalities via municipal zoning bylaws. The Blair Neighbourhood group in Kitchener, which was concerned with the noise level from licensed establishments, stated that community interests should prevail in determining whether an establishment should be licensed by the LLBO. The Concerned Citizens for Morality in Windsor was concerned about nude entertainment. It recommended that the federal government delegate jurisdiction over entertainment in licensed establishments to the provinces.

The Committee also heard from Alcohol and Drug Concerns, Inc. which recommended the use of the word "alcohol" instead of "liquor" in government-wide legislation to provide more clarity. The group outlined the need for a comprehensive government-wide policy regarding alcohol marketing and the prevention of abuse. It suggested the creation of one agency which would combine the LLBO and LCBO. It also recommended that: revenues from alcohol sales be used to combat the effects of alcohol abuse; the drinking age be raised to 21; the kinds and numbers of licences be reduced; all beverage alcohol advertising be banned; and that there be no extension of hours during which alcohol can be served.

Most of the groups were also concerned about the number of SOPs currently issued, the effects of "lifestyle" advertising on alcohol consumption, and the exemption of very low alcoholic beverages from LCBO control. These groups felt relaxation of regulations would have a negative impact on society. The West Toronto Inter-Church Temperance Federation urged that the goals of any changes in alcohol regulation should be restrictive rather than permissive and that particular attention be paid to the welfare of the family.

(vi) Municipalities

This category includes submissions from 35 municipalities in Ontario. Major issues included Special Occasion Permits (SOPs) and days and hours of operation.

Municipalities' concerns covered a wide range of issues, but focused on the lack of control with respect to SOPs. More than half of the municipalities favoured municipal clearance before a permit is issued and some suggested prior police approval. Several municipalities commented that the large number of SOPs creates "unfair" competition for licensees. They asked for a limit on the number issued. Some suggested that the hall owners should be parties to SOPs to make them responsible for the event. It was also suggested that all SOP holders be required to carry liability insurance.

Of the six municipalities which commented on extended hours of sale, none was in favour. They suggested that there is no public demand; they also predicted an extension of hours would have a negative effect on the drinking-driving problem and would increase enforcement costs. A few submissions suggested allowing a municipal option for setting hours. They said this would be a useful means of addressing competition from other jurisdictions with longer hours.

Of the five municipalities which commented on "lifestyle" advertising, four supported banning or restricting it. Of the four municipalities which spoke on the drinking age, all supported retaining the drinking age at 19. Several municipalities also identified a need for alcohol awareness education aimed at "de-glamourizing" the consumption of alcohol.

The City of Windsor spoke against allowing nude entertainment in a licensed establishment and argued that the LLBO should have jurisdiction in this area.

(vii) Student Groups

There were briefs and oral presentations from 41 student groups. Many of the students presenting briefs to the Committee were presidents of university or college student councils.

All groups addressed the drinking age issue. By far, the majority favoured maintaining the drinking age at 19. Raising the drinking age, they argued, was not a solution to the problem of alcohol abuse or drinking and driving. Instead, most spoke of the need for more education to promote responsible drinking. This view has been put into practice at several campuses through Campus Alcohol Policies and Education (CAPE) and Boost Alcohol Consciousness

Concerning the Health of University Students (BACCHUS) programs aimed at educating students on responsible drinking. Student representatives also argued that raising the age would limit employment opportunities in licensed establishments for many students; they also said that most 19-year-olds are responsible people. A few of the students favoured lowering the drinking age to 18 to conform to the age of majority.

Of the few students who spoke to other issues, some supported controls on "lifestyle" advertising. They suggested that certain advertisements promote teenage drinking and should be curtailed. A minority argued that the link between increased consumption and advertising has not been proven.

(viii) Law Enforcement Agencies

The Committee heard from the Ontario Association of Chiefs of Police (OACP) and five different police forces.

The Ontario Association of Chiefs of Police recommended an annual meeting between the police and the LLBO to discuss alcohol control issues. The Association recommended that adult entertainment be regulated by the LLBO by prescribing the type of entertainment allowed in a licensed establishment. The OACP proposed amendment of the Liquor Licence Act to permit a residence to be declared a public place. They believe that the removal of the discretion of a justice to declare a residence that has been the subject of a conviction under the Liquor Licence Act or the regulations a "public place" has made it far more difficult to control bootlegging.

The police chiefs said that current legislation does not allow for adequate treatment or control of chronic public drunkenness. They suggested that an attending physician or supervisor in a detoxification centre be given the authority to detain a person for up to 72 hours. They also said that police powers of arrest under the Liquor Licence Act should be expanded to include any person who is intoxicated in a public place and not be limited to a person who may cause injury to him or herself or others.

Generally, submissions from police forces supported the view that unenforceable and outdated regulations should be repealed or replaced. They noted this would make their job easier and would allow them to focus on more serious breaches of the regulations.

(ix) Religious Organizations

Of the 14 religious groups and organizations which addressed the Committee, some supported the existing system of controls, while others argued for greater restriction. A number of groups emphasized the need for education programs to encourage responsibility in drinking habits.

The overriding concern of these groups was the social and health consequences of beverage alcohol consumption. Alcohol was viewed as a dangerous drug that should be controlled by government. Suggestions were made to limit or curtail "lifestyle" advertising and to limit the number of licences issued. It was also suggested that very low alcohol beverages should come under the control of the LCBO so as not to be available to children.

(x) Other Groups and Special Interests

There were 61 other organized groups which made submissions to the Committee. The majority represented related commercial interests.

A third of the groups spoke on specific licensing or permit issues. They commented on such things as allowing greater access to drinking on Sunday, extending the licensing of recreational facilities to more premises, issuing one licence for a single location in place of several SOPs, and reducing restrictions on advertising of legitimate fund-raising events.

Several advertising associations spoke on the issue of alcohol advertising. The Association of Canadian Advertisers stated that advertising is designed to induce brand switching or create brand preferences, and that alcohol abuse is a result of other social factors. The Outdoor Advertising Association of Canada spoke in favour of advertising on bus shelters and on pillars in shopping malls.

Adfilms Limited proposed that cinema advertising be permitted for corporate and public service advertising by brewers and wineries. They also suggested the government should sponsor drinking and driving messages in cinemas to appeal to the under-35 age group who are often difficult to reach by other media. The Radio Bureau of Canada suggested that governments should scrutinize ads more closely, particularly "lifestyle" advertisements. Former sports personalities would like to continue making beverage alcohol commercials. They argued that former personalities are used to target sales at older drinkers. They also believe that any legislation specifically prohibiting their participation in commercials would be a contravention of the Charter of Rights.

The Insurance Bureau of Canada, the Hamilton Automobile Club and the Canadian Automobile Association recommended raising the drinking age in an effort to reduce drinking and driving accidents. In addition, the Insurance Bureau commented on the need for many more inspectors to carry out random inspections of licensed premises and SOP functions.

On the subject of beverage alcohol distribution, the Independent Wine and Spirit Merchants of Ontario argued for greater flexibility in marketing their products. They also requested recognition under the Liquor Licence Act similar to distillers, wineries, brewers and brew pubs. The Non-Alcoholic Beer and Wine Distributors Association recommended the sale and promotion of "de-alcoholized" wine and beer at LCBO stores and Brewers' Retail outlets. They argued these products should be readily available as a "sophisticated and inconspicuous alternative to beverage alcohol."

3. THE CONTEXT OF LIQUOR REGULATION IN ONTARIO

The issues before the Ontario Advisory Committee on Liquor Regulation are neither new nor unique. The regulation of alcoholic beverages has been a concern for virtually all governments throughout history. Rules governing the service of alcohol and penalties for permitting intoxication can be found, for example, in the Code of Hamurabi, circa 1800 B.C. Alcohol regulation was a major concern of women's rights, union and other social movements throughout the nineteenth century. The Temperance movement finally succeeded in forcing the prohibition of alcohol in many Western societies in the early part of the twentieth century. Even today, alcohol issues continue to be a major concern throughout the world.

In Ontario, current beverage alcohol legislation originated with the repeal of Prohibition in 1927. Prohibition was based on concepts which equated alcohol use with immorality and weak moral character. It was replaced initially by the Ontario Control Act (1927) and subsequently by the Ontario Liquor Control Act and the Liquor Licence Act. An important feature of the current legislation is the division of authority between the Liquor Control Board of Ontario (LCBO) and the Liquor Licence Board of Ontario (LLBO). The former is responsible for sale for home consumption and the distribution of beverage alcohol, while the latter is responsible for licensing and the regulation of beverage alcohol service in public places.

The general trend toward the "relaxation" of strict controls since the Prohibition era has been consonant with shifting public attitudes concerning the nature of beverage alcohol consumption and alcohol-related problems. The consumption of beverage alcohol has become a normal part of the lives of most persons in the province. Moralistic attitudes toward alcohol use which were prevalent prior to and during Prohibition have been replaced by more accepting attitudes.

While "relaxing" controls, the government has also expanded treatment services for alcoholics. In the 1950s and 1960s, a "disease concept" of alcohol problems gradually became predominant. It was widely believed that alcohol problems were created largely by a small group of alcoholics who, for whatever reason, developed the "disease" of alcoholism. This position is exemplified by a 1973 submission to the government of Ontario by the Association of Canadian

Distillers: "Alcohol and alcoholism are two entirely different subjects -- while alcoholism is a major health problem, alcohol is not. Just as sugar is not the cause of diabetes, alcohol is not the cause of alcoholism." It was therefore felt that the appropriate government policy was to provide treatment for these individuals and to persuade them -- but not others -- to abstain. According to the conventional wisdom at that time, there was no need to restrain access to alcohol for the majority who do not become alcoholics. Thus, with the defeat of Prohibition and the decline of Temperance sentiments, alcohol problems were gradually redefined from "the bottle" to "the person".

The disease concept of alcohol problems is still commonly held today. However, over the past decade, it has been seriously called into question by public health agencies and epidemiologists. Alcoholism is only one of many health and social problems associated with alcohol use. It has been demonstrated that alcohol consumption well below that of clinical alcoholics can greatly elevate the risk of cirrhosis of the liver and other health problems. Even moderate drinking can increase the risk of being involved in a traffic accident. There is no magic threshold at which a person suddenly becomes an alcoholic or becomes likely to experience an alcohol-related problem. Furthermore, research has generally shown that increased availability of alcoholic beverages is linked to increased alcohol-related problems.

A government policy which combines unrestricted access to alcohol with the provision of treatment for alcoholics is contradictory and self-defeating.

Therefore, the "disease concept" of alcohol problems is preferable to the moralistic view of alcohol use which it replaced because it is more humane and because it does not impose unnecessary restraints on responsible drinking practices. Nonetheless, it is not adequate as the sole basis for beverage alcohol policy. Although the problem of alcoholism is a serious concern for government, alcohol problems encompass a great deal more than just the person who is physically dependent on alcohol.

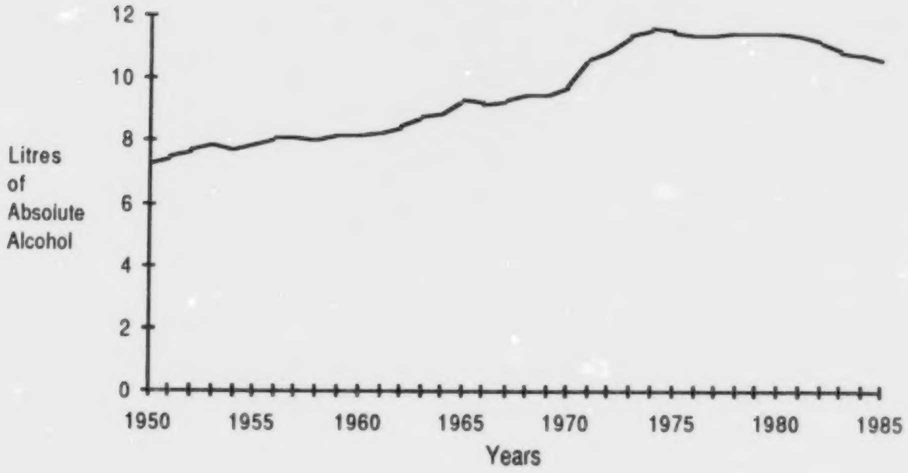
On the positive side of the scale, alcohol problems must be weighed against the benefits of alcohol. When enjoyed in a responsible manner, there are few, if any, problems associated with beverage alcohol use. Indeed, there is some evidence that low levels of consumption may have certain positive health effects, particularly related to the prevention of heart disease. Alcohol consumption is also widely regarded in our society as an enjoyable accompaniment to many social occasions. In addition, the consumption of beverage alcohol supports a healthy and viable industry which provides employment to tens of thousands of Ontarians, as well as other benefits to the overall economy of the province.

Thus, beverage alcohol regulation involves dualistic and, at times, contradictory goals: the provision of access to beverage alcohol for the enjoyment of responsible drinkers and the prevention of problems associated with irresponsible use. The attainment of these goals necessarily involves a balancing of interests. Public order and public health issues must be weighed against the public desire for reasonable access to alcohol and the economic interests of the hospitality industry and the beverage alcohol producers.

(a) Beverage Alcohol Consumption Patterns

Both the level of beverage alcohol consumption and patterns of drinking have undergone marked changes in Ontario since the Second World War. The aggregate consumption in Ontario increased from 24.2 million litres of absolute alcohol in 1950 to 76.1 million litres in 1985. Annual consumption per person aged 15 and older increased 45 per cent from 7.3 litres to 10.6 litres between 1950 and 1985.

ANNUAL BEVERAGE ALCOHOL CONSUMPTION PER PERSON
15 YEARS AND OVER (1950 - 1985)



The preceeding chart indicates that annual per person consumption peaked in 1974 at 11.6 litres, stabilized around 11.5 litres until 1981 and has declined steadily to 10.6 litres in 1985.

The increase in alcohol consumption may be viewed as composed of two parts: an increase in the proportion of adults who drink beverage alcohol and an increase in the rate of consumption among drinkers. The available evidence concerning rates of abstention in Ontario during the post-war period indicates a decline in the percentage of abstainers from 30-35 per cent during the late 1940s and early 1950s, to 15-20 per cent at the present time.

The increase in consumption has not been consistent. There were slight decreases in 1954 (for unknown reasons) and in 1958 (due to a Brewers' Retail strike), and relatively rapid increases in levels of consumption during the early 1960s and early 1970s. Since 1975, consumption has levelled off and there has even been a slight decline over the past few years. In 1975, the per capita rate of consumption was 11.45 litres of absolute alcohol and by 1984 it had declined to 10.84 litres.

There are many possible reasons for the recent decline. The relatively poor economy of the province may account for part of the decline in particular years. The demographic impact of the "baby boom" is another factor which might account for part of the decline as the progeny of this phenomenon are moving beyond the peak drinking age. Perhaps the most encouraging factor which may underlie the recent decline in drinking is a change in public attitudes and behaviour. The public is less tolerant of heavy drinking than it once was, and preferences are shifting to lower alcohol content beverages such as light beers, low alcohol wine and spirit "coolers".

Beer has been the alcoholic beverage of choice in Ontario, but preferences are changing in the direction of greater wine and spirits consumption. Just as preferences for different types of beverages have become more diversified, so too, there has been a trend toward greater variation in the types of licensed outlets for alcohol. In 1950, there were 1,888 licensed outlets (or 5.7 per 10,000 adults) where alcohol was served on-premises. Most of those premises were beer parlours. By 1986 there were 11,840 licensed establishments (17.2 per 10,000 adults), with alcohol available in such places as theatres and recreational facilities. While there were many more licensed premises in 1986, the trend was away from the traditional beer parlour and toward, primarily, licensed restaurants. On-premises consumption increased, but off-premises consumption increased at an even greater rate. Available evidence suggests that today only about one-fifth of all alcohol is consumed in on-premises outlets, marking a decrease from the 1950s.

Drinking is no longer considered primarily an activity of urban, working class males who would often drink to excess. Women are drinking in greater numbers and in greater quantities. Drinking by teenagers has increased since the 1950s. Immigration since the Second World War has brought to Ontario an infusion of different tastes and drinking patterns from a variety of cultures around the world.

As drinking groups become more heterogeneous and drinking becomes more an integral part of social life, new drinking patterns have emerged, such as the drinking of imported wines or spirits other than rye. These new drinking patterns, however, have not replaced traditional alcoholic beverages. Cultural diversity has led to a greater variation in drinking styles and preferences. Beverage alcohol is more available, even in remote areas of the province, thus diminishing past differences between urban and rural drinking patterns. The only major regional variation in drinking is the relatively higher rate of consumption in remote, northern areas of the province.

If any generalization is possible, it is that there is a modern drinking pattern which has developed along with traditional drinking practices. The modern drinking pattern is less exclusive and more diversified. It involves drinking by youth, women, and the less well-to-do. While the frequency of intoxication per drinking occasion may have diminished, the number of drinking occasions has increased. Thus, beverage alcohol consumption has changed in volume and character.

(b) The Beverage Alcohol Industry

All three parts of the beverage alcohol manufacturing industry are highly concentrated. The brewing industry is dominated by three large companies -- Molson Breweries of Canada Ltd., Labatt's Ltd. and Carling O'Keefe Ltd. Together they account for more than 95 per cent of Ontario sales. Prices are uniform and are not determined by competitive market mechanisms but rather by government control. Barriers to entry into the industry have been high, and the number of breweries has diminished from more than 30 in 1960 to 10 in 1986.

The distilling industry is also highly concentrated. Although there are more than 30 firms which supply products to the LCBO, most of these are controlled by six corporations. The three largest distillers -- Hiram Walker Brands Ltd., Seagram Distillers Ltd. and Gilbey Canada Ltd. -- account for more than 60 per cent of sales in Ontario. A major difference between the brewing and distilling industries is that distillers have a large export market. The major market for these exports is the United States. Canada's exports of spirits to the U.S. exceed domestic sales.

The wine industry is much smaller than the brewing or distilling industries. It consisted of 18 wineries in Ontario in 1986, supplying about half of the total wine consumed in the province, with a negligible export market. Government has been supportive of the wine industry.

In fiscal 1986, beverage alcohol sales in Ontario totalled approximately $3.0 billion. The Ontario government received $1.18 billion in profits, sales taxes, and licence fees; the federal government received $590 million in customs, excise and sales taxes. These alcohol sales also generate sizeable economic benefits to related industries and services, such as the Ontario grain and grape growers and the packaging and transport industries.

(c) The Nature and Scope of Beverage Alcohol Problems

Beverage alcohol consumption is associated with a wide variety of health and social problems. Adverse effects of high levels of alcohol intake have been demonstrated for many disorders, including cirrhosis of the liver, delirium tremens, cancer of the mouth, pharynx, larynx and esophagus, chronic calcifying pancreatitis and adverse effects on the fetus. Investigations into the negative consequences of alcohol consumption tend to concentrate on those areas involving chronic health problems such as the prevalence of alcoholism, mortality, morbidity and accidents where aggregate statistics are collected and maintained. High alcohol intake is also strongly related to social consequences such as drunk driving injuries and fatalities, aggressive behaviour, family disruptions, industrial absenteeism and poor productivity.

There has been a substantial increase in the apparent rate of alcoholism in Ontario. Estimates of the number of alcoholics in Ontario have increased from 48,800 persons in 1950 to 200,000 in 1986, with the steepest increases occurring in the late 1960s and early 1970s.

It should be noted that there has been a decrease in the rates of some alcohol-related health problems over the past decade. For example, the rate of death from liver cirrhosis declined by about 25 per cent between 1975 and 1983. Nonetheless, the costs of alcohol-related health problems remain high. According to the Addiction Research Foundation, each year there are more than 1,200 deaths from alcohol-related disease. The Foundation estimates that the health costs in Ontario attributable to alcohol were $553.9 million in 1981 or approximately 10 per cent of the total Ministry of Health budget for all treatment services.

A particular concern for the Ontario public is the incidence of impaired driving. There are approximately 40,000 impaired driving charges laid annually in Ontario. A recent Ministry of Transportation and Communications report states that in 1985, 459 persons were killed and 10,690 were injured in accidents involving a driver who was impaired or "had been drinking".

In a 1979 roadside survey conducted by the Ontario Interministerial Committee on Drinking-Driving, it was found that among a sample of about 10,000 drivers stopped between 9 p.m. and 3 a.m. on Thursday through Sunday mornings, 6.6 per cent were over the legal limit of .08 per cent Blood-Alcohol Concentration (BAC) and 13.2 per cent were above .05 per cent BAC, which is the level under the provincial legislation for an automatic 12-hour suspension of a driver's licence. In addition, 6.1 per cent of drivers stopped refused either to be interviewed or provide a breath sample.

The survey also provided interesting data on the origin of these drivers. Only a small portion of drivers were coming from bars or taverns (5.9 per cent), but these drivers constituted a disproportionately large number of impaired drivers. Over one-third of those coming from a bar or tavern (34.9 per cent) were over .05 BAC and 17.3 per cent were over .08 BAC. It is noteworthy that among the 7.7 per cent of drivers coming from restaurants, only 11.7 per cent were over .05 BAC and 5.8 per cent were over .08 BAC.

Two recent roadside surveys by the Ontario Provincial Police, one during the Christmas holiday period in 1985 and one between July 25 and August 4 of 1986, corroborate these findings.

Detailed estimates are lacking concerning the extent of other alcohol-related social problems such as family disruptions, alcohol-related aggression, absenteeism and low productivity. A major methodological difficulty in making estimates is the problem of attribution. It is difficult to pinpoint the effects of drinking when it is not the sole cause of a problem. By examining the prevalence of health and social problems among known alcoholics and applying the results to estimates of the number of persons consuming equivalent amounts of alcohol in society at large, it is possible to derive an estimate of the "excess" prevalence of a given problem which can be attributed to alcohol. Thus, for example, in Canada today approximately 80 per cent of cirrhosis mortality is attributable to alcohol use. In the United States, alcohol use is a contributing cause of 30-50 per cent of motor vehicle fatalities, 44 per cent of accidental falls, 25 per cent of all fires, about one third of all homicides and 29-40 per cent of suicides.

It is not certain whether these figures apply to Ontario. The extent to which a particular consequence can be attributed to alcohol use will vary over time and between societies. Nonetheless, these estimates indicate the enormous magnitude of alcohol-related problems in advanced industrial societies today. The Addiction Research Foundation has estimated the total cost of alcohol use in Ontario to be more than $1.6 billion, a figure which exceeds the annual amount the Ontario government receives from profits, sales taxes and licence fees.

As stated at the outset of this section, alcohol issues have long been a major concern of the Ontario government. The Committee believes that alcohol regulation issues must be viewed in the appropriate historical, social and economic context.

II. FINDINGS AND RECOMMENDATIONS

1. GENERAL VALUES AND PRINCIPLES

In an ideal society, there would be no need for regulation of the manufacture, sale and service of alcoholic beverages. If alcohol were a consumer commodity like soup, special regulations would be unnecessary. However, we live in an imperfect world and we must recognize that alcohol is not an ordinary substance. The fact that it is an enjoyable commodity for many people does not obviate its potentially destructive consequences for individuals and society in general.

Since the repeal of Prohibition in 1927, the traditional attitude to beverage alcohol regulation in Ontario has been a compromise between two basic and conflicting perspectives. One, based in the temperance tradition which opposes consumption of alcohol on moral grounds, holds that its use is a privilege; the other, based in the libertarian tradition which opposes restraint on individual rights by the state, holds that access to alcohol is an unqualified right.

We have rejected both the rationale based on morality and the laissez-faire philosophy, in favour of a compromise between these two extremes: the concept of a limited right. Access to alcoholic beverages and regulation of on-premises establishments in Ontario have changed considerably over the last 60 years, with the pendulum swinging toward a relaxation of attitudes to alcohol; but a relatively restrictive system of controls on sale and public consumption has been retained.

This Committee has a mandate to recommend ways to bring the Liquor Licence Act into conformity with the wishes of the people of Ontario, while serving the best interests of the health and welfare of the population, and taking into account a viable future for the beverage alcohol industry. We believe that the concept of limited right reflects and serves those objectives. It represents a balance between two priorities -- protection of society and protection of individual rights.

The primary justification for limited access to alcohol is its status as a potentially dangerous addictive drug. Alcohol has been accorded special treatment under the law, compared to other potentially dangerous substances, because of its historical place in Western society as a socially acceptable, widely available substance. If alcohol were discovered today, it would probably be prohibited. But the use of beverage alcohol is entrenched in historical and many religious traditions; alcohol has been a fact of social life in many societies since ancient times. Alcohol is also present in a number of other forms in everyday use, and it is relatively easy to make one's own alcoholic beverage at home.

In spite of, and perhaps because of, its social acceptability and availability, alcohol has become one of the serious drug problems in our society. Abuse of alcohol has led to problems for individuals and society in the areas of health, safety and public order. These adverse effects cannot be ignored.

At the same time, the Committee recognizes the importance of individual responsibility. It is a tenet of our democratic tradition that government refrain from unreasonable interference with the rights of the individual except where the exercise of those rights interferes with the rights of others or endangers the general public good. There should only be a rule where there is a reason.

The Committee also realizes that there are benefits to beverage alcohol when it is used in a responsible manner. It is widely regarded as an enjoyable addition to many social situations; there is some evidence that low levels of consumption may have beneficial health effects. In addition, the beverage alcohol and associated industries make an important contribution to the economy of Ontario.

The philosophy of limited right can cut both ways. It can encompass limitations on an individual's access to alcohol -- based on conditions such as age of the drinker, responsible behaviour in public, and wishes of the community -- and limitations on the scope of regulation to infringe on individual freedom, such as the discretion of an adult to consume alcohol in a private place.

There is another factor which has traditionally impinged on government's involvement in the regulation of alcohol: revenue. The Committee recognizes that alcohol is a legitimate source of government revenue because of its status as a luxury consumer item, and because of government costs associated with alcohol use. These costs go well beyond administrative cost recovery; they extend to the social costs of alcohol problems, including health and welfare expenditure and law enforcement.

In making recommendations for a new framework for Ontario's beverage alcohol laws, the Committee realizes that only about 20 percent of alcohol consumption takes place in licensed establishments. We also acknowledge that regulations in themselves will not change public attitudes to drinking. However, in the broad social context of alcohol use, the Committee strongly advocates that a greater effort be made by government, the beverage alcohol industry, licensed establishments and the public to encourage moderation in the consumption of beverage alcohol and responsible behaviour related to the use of alcohol.

The concepts of moderation and responsibility are not necessarily interchangeable. Even a moderate amount of alcohol can affect one's ability to drive a car, whereas a person who has drunk to excess can act responsibly by taking a taxi home.

While there is growing and commendable public concern related to the death and injury caused by the impaired driver, the Committee would like to see greater public awareness of all the potential and actual adverse social and health consequences related to immoderate and irresponsible use of alcohol. The efforts of public and private agencies and organizations and concerned citizens groups have had a marked effect in a relatively short time in changing public attitudes to drinking and driving. The Committee believes there is a need for continuing further initiatives to inform and educate the public about additional serious effects of immoderate and irresponsible drinking. These include liver cirrhosis and other alcohol-related health disorders, family breakdown, lost economic productivity and the impact of alcohol as a contributing factor in the incidence of fires, homicides, suicides, domestic violence and other serious social problems.

While public health and education issues could technically be said to be outside the purview of a beverage alcohol regulatory body, the Committee believes there is an important role for the regulatory body to play, in encouraging and promoting moderation in drinking habits and the responsible use of alcohol and in expanding public awareness.

We believe that the Liquor Licence Board of Ontario (LLBO) should have a broader social perspective. It should not be confined to a narrow administrative regulatory role. More precisely, it should use its licensing authority to pursue the goals of moderation and responsibility related to the service and consumption of beverage alcohol. Liquor laws should identify and regulate situations or activities where the public interest is involved and specify, where possible, what constitutes immoderate or irresponsible use, and where the line of limited right should be drawn.

For example, we recommend later in this report that all types of licensed establishments should be required to have food available for patrons. Food has been shown to slow the rate at which alcohol is absorbed into the bloodstream and to reduce the peak blood-alcohol concentration. People who are eating also tend to drink more slowly. Requiring that food be available is one means of promoting moderation through regulation. It should also help to make drinking more of an ancillary activity, rather than the focus of activity.

The Committee also recommends that all types of beverage alcohol be treated in the same way in the regulations. This is fairer to sectors of the beverage alcohol industry which have been subject to tighter restrictions and higher taxes under the current rules. It is also important for consumers to be aware that it is the amount of pure alcohol consumed -- not the type of beverage -- which determines a person's level of intoxication and the damage to personal health. The distinction made in the current rules between types of beverage alcohol affects issues such as advertising, and is referred to in the chapter on that subject. However, the Committee wishes to establish as part of its general principles that it supports the equal treatment of all types of beverage alcohol.

The Committee recommends that the philosophy of moderation and responsibility should be reflected in all government policy related to beverage alcohol. The Liquor Control Board of Ontario (LCBO) is a specific example. The LCBO is the retailer or distributor of beverage alcohol in this province. While its purpose is not the same as that of the LLBO, the Committee believes that both Boards should share a philosophy which is consistent with the principle of moderation and responsibility. The LCBO should actively promote that philosophy, where it can, and there should be greater ongoing co-operation and consultation between the two Boards. There is a separate chapter on Related LCBO Issues in this report.

It is also the Committee's view that a new regulatory framework for beverage alcohol in Ontario should make the rules clearer, more consistent, more relevant and easier for licensees and the public to understand. In terms of administrative fairness, the Committee believes that the LLBO and the LCBO should be bound as much as possible and practicable to a codified set of rules which ensure that all persons are treated in like manner. There should be fewer, simpler rules which are understandable to all, and those rules should be enforced consistently and rigorously.

However, rules cannot be written to cover every eventuality. Therefore, it is the Committee's view that the LLBO should retain limited discretionary power in order to be able to fulfill its mandate of protecting the broad public interest. If the Board were to overstep or misuse this discretionary power, there is protection under the Act for any party to an LLBO proceeding who feels aggrieved by a Board decision. The party may appeal to the Commercial Registration Appeal Tribunal (CRAT); there is further recourse available on questions of law from CRAT to the Divisional Court.

The licensing function is the lynchpin of the authority of the LLBO; the Board can control the conduct within licensed premises in Ontario through its power to issue, suspend and revoke licences.

Prior to 1976, the issuing of a licence to serve alcohol in Ontario was at the discretion of the LLBO. Under current legislation, an applicant "is entitled" to receive a licence unless he or she does not meet the criteria set out in the Act.

The criteria which the Act directs the Board to consider include: the financial position of the applicant, citizenship or residency, past conduct in terms of honesty and integrity of an individual or company (officers, directors or shareholders with at least 10 per cent equity), any activities of the applicant which are or will be in contravention of the Act and regulations, compliance with the rules governing premises and equipment and "the public interest having regard to the needs and wishes of the public in the municipality in which the premises is located".

The Board should retain a discretionary power to consider the broad public interest, but this authority should be clarified in the Act where it refers to "the needs and wishes of the public in the municipality in which the premises is located." The LLBO now receives numerous complaints about neighbourhood problems with a licensee which are not related to service of alcohol in the establishment. The Board has heard complaints about such matters as parking or fencing and drainage of a licensee's property. The Committee believes that the legislation should be clarified to indicate to the public that the LLBO may only concern itself with issues directly related to the service of beverage alcohol. All other issues should be referred to the municipal authority. To assist municipalities to zone according to a simplified system of licence classification, the Committee proposes in the next chapter of this report a new classification system with only three types of licensed establishments. Under the recommended system, if municipal zoning permits a certain type of establishment in a neighbourhood and the residents object, they should make their case before the municipal council.

Having said that, the Committee still believes that the LLBO should retain its authority to hold hearings to consider complaints about a licensee in order to establish whether the problems are related to service of alcohol and to take action where it is appropriate.

With respect to the criteria for eligibility of a potential licensee, the Committee recommends two changes. Regulations under the Liquor Licence Act now allow for the limiting of the number of licensees in a particular area or district. We believe that decisions related to how many licensed restaurants there should be on a particular street should be the prerogative of the municipality.

The other change relates to the authority of the LLBO to inquire into the past conduct, integrity and current activities of a corporation applying for a licence. We believe that the LLBO should have the authority to inquire into the integrity and honesty of anyone who has an ownership, management or directorial interest, either direct or indirect, in a licensed establishment. For example, currently, the Board cannot take into account when considering eligibility for a licence the business operations of a franchisor, even though that franchisor may have a history of criminal activity.

We have dealt with some limitations on the authority of the LLBO and the rights of licensees. We are also concerned about rights of the individual. An important individual right involves consumption of beverage alcohol in a private place. The Act now makes a distinction between a residence and a public place. The Committee proposes a new definition of a private place: a place which is not ordinarily open to the public and which is not open to the public at the time when beverage alcohol is being served.

In a private place, as defined, adults should be allowed to consume and serve beverage alcohol without a licence or permit, just as they may do now at home or in a friend's house. However, that alcohol cannot be sold directly or indirectly. Once sale is involved, the LLBO is involved. The Committee wishes to expand the definition of private place to allow greater freedom for individuals under circumstances where we do not feel government should be concerned about regulating service of alcohol. (An example is a conference room.) This issue is discussed in greater detail and recommendations made in the chapter on Special Occasion Permits.

In addition, there is the issue of police powers of arrest under the Liquor Licence Act. Currently, police may only arrest a person who is intoxicated in a public place if the officer believes it is necessary for the safety of that person or others. Police representatives recommend that police should have the authority to arrest anyone who is intoxicated in a public place. The Committee believes that such issues related to law enforcement should more properly be addressed by the Ministries of the Attorney-General and the Solicitor-General.

Another issue of individual rights is the "interdiction" list. The Act now provides that a person may be put on this list so that he or she cannot buy or be provided with beverage alcohol. This provision is not only paternalistic and unenforceable, it is based on an outdated concept that only a few individuals who have the "disease" of alcoholism must have their access to beverage alcohol restricted. We recommend that interdiction orders be abolished. Licensees should be aware of their legal obligations not to serve an intoxicated person; they also have the right under law to eject or refuse to admit a person whose presence on the premises they consider to be undesirable.

The Committee deals in subsequent chapters with a number of issues related to the public interest and individual rights. We have endeavoured to strike a fair and equitable balance. We are aware that the province is a multicultural society, with people of many different traditions, faiths, and lifestyles. We believe that it is possible and practicable to update alcohol regulations for the decade ahead, while maintaining a proper balance between protection of society and protection of individual rights.

RECOMMENDATIONS:

The Liquor Licence Board of Ontario (LLBO) should have a broader social perspective and should use its licensing authority to pursue the goals of moderation and responsibility related to the service and consumption of beverage alcohol. This philosophy should be reflected in all government policy related to beverage alcohol.

All types of beverage alcohol should be treated in the same manner in the Act and regulations.

The Liquor Licence Act should be clarified to indicate that the authority of the LLBO to consider the "needs and wishes of the public in the municipality in which the premises is located" concerns only matters directly related to the service of beverage alcohol and not to matters of municipal approval or zoning.

The LLBO should retain its authority to convene hearings to inquire into the conduct of a licensed establishment as it relates to the service of beverage alcohol, in regard to the general public interest.

Regulations under the Liquor Licence Act pertaining to possible limitations on the number of licensees in an area or district should be repealed, such matters being municipal in nature.

The LLBO should have the authority to inquire into the past conduct of anyone having a direct or indirect ownership, management or directorial interest in a licensed establishment, for the purposes of ascertaining the integrity and honesty of that person.

Interdiction orders should be abolished.

2. LICENSING

(a) Classification of Licences

(i) The Existing System

The Liquor Licence Act prohibits anyone from selling beverage alcohol, or keeping it or offering it for sale, except under the authority of a licence or permit issued by the LLBO. There are 12 different classes of licences in the regulations. There are 14 classes of premises which are eligible for one or more classes of licence. As well, there are a variety of stipulations and conditions which attach to different types of licence.

The classes of licence under the current regulations are as follows: lounge, dining lounge, dining room, entertainment lounge, public house, club--lounge, club--dining lounge, patio, hospitality, manufacturer's, stadium and brew pub. Sale and service of alcohol can also be authorized by the LLBO under a Special Occasion Permit (SOP); the system of SOPs is dealt with separately in another chapter of this report. The classes of premises which are eligible for certain licences are: airport lounges, canteens, recreational facilities, theatres, aircraft, railway cars and ships, clubs, hotels, restaurants, resorts, manufacturer's premises, outdoor areas adjoining licensed premises or located on resorts, taverns and convention centres.

The current system of classification of licences is complicated not only by the number of different categories of licence, but by the variety of criteria which define a licence. Certain categories of licence are based on the predominant function of the establishment: for example, a lounge licence is only for sale and service of alcohol, while dining licences require food. Other licences are based on the type of alcohol served, such as the licence for public houses, which can only serve beer. Still another category is based on the nature of the premises, such as a stadium; another distinction is based on whether or not an establishment is a private club. The manufacturer's licence covers producers of beverage alcohol products.

There is a major distinction between conditions pertaining to eating and other establishments. Establishments which serve food may admit persons under 19 years of age and can open on Sundays; receipts from the sale of food must be not less than 40 per cent of total receipts of the establishment, on a monthly basis. There are also detailed regulations concerning availability and service of food. There are particular conditions attached to entertainment lounges. They are subject to a 15/85 food-beverage ratio, a high minimum capacity requirement and levy fees and gallonage taxes which are twice those of other types of licences.

There is relatively little difference in the detailed regulations between one class of dining licence and another (dining lounge, dining room and club dining lounge), and between one class of drinking establishment and another (lounges, club lounges and public houses), except for entertainment lounges. But within those categories, there may be special stipulations and exceptions which apply to particular licences or premises. For example, Canadian Forces canteens are charged lower fees; there are special hours for veterans' clubs on Sundays before and after Remembrance Day and Legion Week; and there are special hours for clubs on Grey Cup Sundays.

There were 11,840 licensed establishments and 16,366 licences across Ontario as of September 2, 1986. Many establishments have more than one type of licence; for example, only an establishment which already has a licence can get a patio licence. By far the greatest proportion of licensed establishments, about 73 per cent, hold a dining lounge licence. See Table below.

NUMBER OF LICENCES AS OF SEPTEMBER 2, 1986
(excludes hospitality, brew pub and manufacturer's licences)

Class of Licence	Number	% of All Licences	% of All Establishments
Lounge	2,103	12.8%	17.8%
Dining Lounge	8,617	52.7%	72.8%
Dining Room	1,141	7.0%	9.6%
Entertainment Lounge	54	0.3%	0.5%
Public House	62	0.4%	0.5%
Club-Dining Lounge	475	2.9%	4.0%
Club-Lounge	1,328	8.1%	11.2%
Patio	2,582	15.8%	21.8%
Stadium	4	*	*
TOTAL	16,366	100.0%	138.2%**

* Less than 0.05%
** Totals more than 100% because many establishments have more than one type of licence.

(ii) Issues and Proposed Changes

During the public consultation process, a number of organizations suggested simplification of the categories of licences. There were also complaints, particularly from the hospitality industry, about the food-beverage ratio. The 40/60 ratio is difficult for many establishments to maintain consistently. There was also concern voiced about the distinction made in licence classifications related to types of beverage alcohol.

The Committee approached the issue of licensing with two basic principles in mind: to streamline and rationalize the licensing system to make it more understandable and consistent; and to recommend enforceable rules which encourage the responsible service of beverage alcohol and promote an environment of moderation in licensed establishments.

We propose a new system of licence classification to replace the current one. The classes of licence should be reduced from 12 to five. Three of the five new types of licence should cover all licensed establishments. The other two should be for beverage alcohol delivery services and manufacturers.

The new licence classes should be as follows:

- "A" licence, requiring a 55/45 food-beverage ratio; this licence to be obtained if required for municipal zoning.

- "B" licence, requiring food available sufficient for a light meal.

- "C" licence, allowing patrons to bring their own beverage alcohol; holder of this licence may or may not have an "A" or "B" licence, and must be a restaurant with a full menu.

- "D" licence for delivery services.

- "E" licence for manufacturers, including brew pubs.

In arriving at these new classes and conditions, the Committee adopted some basic principles relating to availability of food, types of beverage alcohol and equality and fairness.

The Committee recommends that all licensed establishments should have food available, regardless of their classification. There is overwhelming scientific evidence that consumption of food with beverage alcohol slows the body's absorption of alcohol into the bloodstream, and also results in a lower peak blood-alcohol concentration. People who are eating also tend to drink more slowly. The Committee wishes to encourage consumption of food with alcohol. We also believe that drinking should be ancillary to some other activity, such as having a meal.

In our view, there should be no distinction in classes of licences on the basis of the type of beverage alcohol served. The Committee believes that one type of alcohol is not more conducive to over-consumption or more likely to damage the health of the drinker than another type. A licensee should have discretion in deciding which types of beverage alcohol he or she wishes to sell.

The Committee believes that the rules for classification of licences should as much as possible operate on the principle of equality and fairness. Special exceptions or conditions now exist for several special groups, such as private clubs or Canadian Forces canteens. We recommend that these special conditions be eliminated. We do not see the need for a separate class of licence for clubs, for example. Clubs should apply for a regular licence, under the same eligibility rules as other licensees since every licensee should be entitled to decide on his or her own clientele.

• "A" and "B" Licences

Although all licensed establishments should have food available sufficient for a light meal, we are recommending a separate category of licence available to restaurants, with a 55 per cent food ratio in order to facilitate zoning by municipalities to meet the needs and wishes of the local community.

Although the Committee recognizes that many establishments have had difficulty meeting the food-beverage ratio and that enforcement of a ratio is complicated for the LLBO, we see merit in the use of a ratio. It is a convenient way to distinguish between a dining establishment, which has a full menu and kitchen facilities, and which has as its primary purpose the service of food, and an establishment which only has food available. In recommending that the "A" class of licence have food sales of at least 55 per cent of total receipts, we also suggest that the ratio be reviewed periodically.

The municipality is the public body designated by law to deal with zoning. However, because of the plethora of licence categories, municipalities have not been able to zone to control the locations of licensed establishments. The LLBO has become involved in zoning-related problems because of complaints from the surrounding community about a particular establishment creating a lot of noise or parking problems, for example. Typically these problems do not arise in connection with dining establishments. The Committee believes that the new licensing system should allow municipalities to have more control over their neighbourhood problems through zoning. With an "A" licence designating restaurants and a "B" licence for establishments with food available, a municipality could use its zoning authority to allow only an A-type establishment in a residential area.

The regulations should provide that only a premises which has as its function the service of food and beverage alcohol may qualify for an "A"or "B" licence. For example, a banquet hall may qualify under this provision.

- **"C" Licence**

Although the "A" or "B" licence should cover most establishments which are now licensed, the Committee recommends creation of a "C" licence which would allow an establishment which is unlicensed or licensed to offer patrons the option of bringing their own beverage alcohol. In order to be eligible for a "C" licence, an establishment must be a restaurant with a full menu; it should be required to charge a corkage fee for service of the alcohol; provincial sales tax should be charged on the corkage fee; and the licensee should be responsible for service of the alcohol, not the customer who brought it. Like any other server in any other licensed establishment, the server in a "C" establishment could be liable for over-service or service to a person under 19 years of age.

There are particular advantages to the "C" licence for the restaurant which does not wish to get a regular licence, but which is concerned about losing customers who want a glass of beverage alcohol with dinner. This licence would offer an option to the consumer which is not now available.

• "D" Licence

The Committee recommends that beverage alcohol delivery services be eligible for a "D" licence. The LCBO now registers these services, but we propose that the LLBO assume the licensing function. In addition, we propose that any individual should be allowed to apply for a "D" licence. The Committee was told during the public consultations that there is a demand for delivery of certain types of beverage alcohol in gift packages with such commodities as flowers or cheese.

• "E" Licence

It is necessary to retain a separate class of licence for manufacturers of beverage alcohol because of the specific rules which must apply to them. However, the Committee recommends some changes.

We propose that brew pubs, which are now a separate licence class, be eligible for a manufacturer's licence. Brew pubs make and sell draught beer on their own premises. However, under the existing rules, they cannot sell for home consumption. With a regular manufacturer's licence, they should be able to sell for home consumption. Other manufacturers, on the other hand, can sell for home consumption, but they cannot now sell for consumption on their manufacturing premises. The Committee proposes that all those holding a manufacturers' licence, including brew pubs, may be eligible for an "A" or "B" licence for their manufacturing premises. However, like other licensees, they should be required to stock a reasonable selection of brands to give patrons a choice of products.

(iii) Other Issues

In replacing the current 12 licence classes, we are proposing to deal with two of them under rules for special premises: stadiums and patios. They are described in the next section of this chapter. One other class of licence, the hospitality licence, should no longer be necessary.

The hospitality licence is now used to cover situations, such as airport VIP lounges, where the alcohol is provided free. In the Committee's view, where there is no sale of beverage alcohol, either directly or indirectly, and where the premises is not ordinarily open to the public (service to invited guests only), and not open to the public at the time of beverage service, then no licence should be required. There is no profit incentive to give away more alcohol, and the providing of alcohol cannot be used to attract the public into the premises. The Committee applies the same rationale to the conference room in exempting it from licence requirement. This is explained in more detail in this report in the context of Special Occasion Permits.

At the moment, the LLBO may transfer a licence temporarily to a trustee in bankruptcy or a receiver, but it is unclear whether the Board has authority to make a temporary transfer to a landlord, security-holder or a franchisor, in possession, in the event that an establishment closes down. We recommend the Board be given such authority to allow a premises to keep operating until a new tenant or franchisee is found.

Admission of persons under 19 to a licensed establishment is now prohibited for certain classes of licence, representing about one-fifth of all establishments. Under our recommended system, these classes of licence would be replaced. We propose that the regulations should no longer specify types of licences which cannot admit underage persons. Instead, we suggest that the LLBO may make it a condition of an individual licence that those under 19 not be admitted, or a licensee may prohibit under-19s on his or her premises. For example, the LLBO might attach such a condition to a licence in a case where the establishment has had problems with service to persons under 19 or where the establishment is located near a high school.

Licensees should be eligible for an endorsement on their licence approved by the Board to allow them to serve beverage alcohol at events not held on their own premises, but in other locations which meet LLBO criteria. Licensees serving alcohol at such events should be required to be responsible for service in the same way they are in their own establishments.

(iv) Transition

There will have to be a reasonable transition period before any new system of licence classification takes effect. We suggest that existing licences be "grandfathered" to continue to be in effect under the present rules until a licence comes up for renewal, in which case the applicant will have to opt for one of the new classes of licence, or until an establishment applies for a new type of licence, whichever comes first.

Under municipal option, some areas only allow certain classes of licence, such as restaurants which sell beer and wine only, or no licensed establishments at all. Municipalities which are completely "dry" should have no problem with the new licensing system, since they don't allow any classs of licence. However, in those areas which allow some kinds of licences or beverages, but not others, the new system will pose complications. We recommend that municipalities which are in this "damp" category should have to decide whether to be one way or the other -- "dry" or "wet" for all types of beverage and all classes of licence. Municipalities should be given a reasonable length of time to put the question to the voters. If the deadline is allowed to pass without a vote by the electors in a "damp" area, then the municipality should henceforth be deemed to be "wet".

(b) Detailed Regulations for Types of Premises

We have mentioned in connection with the existing licence classification system the variety of special premises eligible for different types of licences. The premises include recreational facilities, theatres, aircraft, railway cars, ships, hotels and several other special categories.

If the Committee's recommendations on licence classification are adopted, the classes of licences will be reduced from 12 to five. With only two basic licences for licensed establishments ("A" and "B"), it will be considerably less complicated deciding which type of premises will be eligible for which class of licence. Most special premises will be eligible for a "B" licence.

However, detailed regulations for certain premises will still be necessary because of the special and varied nature of these premises. The particular rules for a hotel will not be suitable for an airplane or a stadium. At the same time, the Committee has tried to keep detailed premises regulations to a minimum.

We recommend eliminating the following detailed premises rules. Many of them no longer fit with the proposed new system of classification, while others appear to the Committee as unnecessary and no longer appropriate:

- restrictions on the types of recreational facilities which may be eligible for certain types of licence (a fitness facility which does not have at least four racquet courts does not qualify under the current rules for a lounge licence, though it may get a dining licence).
- the requirement that a recreational facility must make members of the public pay an admission fee in order for the facility to be eligible for a lounge-type licence.
- the requirement that resorts only be allowed to serve to registered guests.
- the minimum bedroom requirements for hotels, which are based on the population of the municipality.
- the exclusion of motels from the definition of hotels (including motels would allow them to offer beverage alcohol room service). Hotels should also be allowed to contract out food and beverage service to a licensee located within the complex.
- restrictions in licensing of convention centres which are not municipally-owned.
- the restriction on the definition of aircraft to transcontinental carriers (airlines which fly only within Ontario should be eligible for a "B" licence). Permitted hours of service within Ontario for commercial air carriers should be the same as licensees on the ground.

The Committee has already referred to the fact that the special licence classes for patios and stadiums should be eliminated, and the rules for each covered under premises requirements.

We propose that licensed patios should no longer have to be adjacent to a licensed establishment. A freestanding patio should be eligible for a licence. But there will have to be detailed requirements for provision of food for a patio which is not connected to a licensed premises. Further, a patio should be in a marked-off area, with patrons supervised by trained servers; patrons should only be permitted to consume on the patio premises.

The special licence for stadiums currently applies to only four locations: two in Toronto, one in Ottawa and one in Hamilton. In replacing the licence category with special premises requirements, we propose to tighten up the rules for the four stadiums to improve supervision of alcohol consumption and to provide space for sports fans who do not wish to drink or be surrounded by drinkers. However, we have also heard from operators of a number of arenas, stadiums, racetracks and other similar facilities for sporting events around Ontario who wish to be eligible for licences. The original four locations were licensed as special cases several years ago; if we are to expand licensing in this area, the Committee is concerned that it should be done under controlled conditions. To ensure that licensing of a particular facility is appropriate, the criteria for eligibility should include approval by the municipality in which the facility is located.

In the four locations named in the current regulations, drinking is allowed throughout the stands. The Committee recommends that each stadium be required to designate specific drinking areas; supervision by stadium personnel of drinking in these areas should be improved to ensure that patrons are not served to the point of impairment and that there is no service to persons who are underage, and that public order is maintained. Service of beverage alcohol at seats in the designated areas should be allowed; patrons now go behind the stands and bring their beer back to their seats. Non-drinking areas must be large enough to give non-drinking patrons a reasonable choice of seats in various price ranges. The Committee recognizes that these proposed changes will require a transitional period for implementation.

The Committee recommends that facilities similar in nature to these four stadiums be eligible for a "B" licence if they have municipal approval and if they meet the normal requirements for such a licence, including having food available sufficient for a light meal. The licensed areas must be defined and could include portions of the stands; they must be properly supervised by a trained server; and patrons may be served at their seats. There must be sufficient seating in the unlicensed area to give patrons a reasonable choice of seats in various price ranges.

The Committee also considered the special conditions needed for some transportation venues.

There is sale of beverage alcohol in specific locations on trains, but some travellers would like to take a drink from a "bar" car to their seats. We propose that this practice be allowed, on condition that railway personnel provide adequate supervision.

The Committee considered treating chartered motor coaches in a manner similar to trains and airplanes. However, because the operator of such a vehicle is not separated from the passengers and because it is not possible for the driver to control both the vehicle and consuming patrons, we see a significant safety problem in permitting alcohol consumption in chartered motor coaches.

The subject of ships must be addressed with special premises regulations, particularly because of safety considerations. Consumption of alcohol should be allowed on a vessel only under the following conditions:

a) the vessel is a commercial freight-carrying ship which has a live-in crew on board; or

b) the vessel is capable of being used as a residence and contains sleeping quarters, kitchen and bathroom facilities and is not underway (e.g. it is either hard aground, riding at anchor or at the dock); or

c) the vessel is licensed by the LLBO; to be eligible for licensing, it must first be certified by the federal Department of Transport, which has specifications for vessel safety, passenger capacity, numbers and qualifications of crew, waters in which the vessel may operate etc.

Theatres are a special category of premises now; current rules allow service of alcohol in lounges immediately before and after a performance and during intermission. We see no reason to retain these restrictions. We propose allowing theatres to obtain a regular "B" licence; they would be required to have food available, but the licence would not be restricted to particular times before and after a show, or to particular places in the theatre. If a theatre chooses to serve alcohol in the auditorium, it should be subject to the same kinds of conditions as proposed for stadiums.

The Committee realizes that the list of special premises regulations we recommend is complicated and detailed. However, in the case of specialized venues, we believe the detail is necessary. And with the simplification of the licence classification system, the province will have a clearer and more enforceable system than the one which exists now.

RECOMMENDATIONS:

The existing system of licence classifications should be replaced with the following:

> *An "A" licence for restaurants which must maintain minimum food sales of 55 per cent of total receipts. The ratio should be reviewed periodically.*
>
> *A "B" licence for beverage alcohol service with food available sufficient for a light meal.*
>
> *A "C" licence to be available to unlicensed or licensed establishments to allow patrons to bring their own beverage alcohol. The establishment must be a restaurant with a full menu; a corkage fee should be charged on the alcohol, and provincial sales tax should be charged on the fee. The licensee must be responsible for service of the alcohol.*
>
> *A "D" licence for beverage alcohol delivery services, to be issued by the LLBO.*
>
> *An "E" licence to manufacture beverage alcohol products to be available to brew pubs as well as other manufacturers. Holders of a manufacturers' licence should also be eligible for an "A" or "B" licence for their manufacturing premises.*

The regulations should state that only a premises which has as its function the service of food and beverage alcohol may qualify for an "A" or a "B" licence.

Clubs should be eligible for a regular licence, under the same eligibility rules as other licensees, and they should be entitled to decide on their own clientele.

The regulations should no longer specify which type of licence may or may not admit persons under the legal drinking age. Instead, the LLBO may prohibit persons under the drinking age as a condition of the licence of a particular establishment, and a licensee may also decide not to admit such persons.

The LLBO should be given the authority to transfer a licence temporarily to a landlord, security-holder or franchisor in possession.

During the transition period for the new licence classification system, existing licences should be "grandfathered" until they come up for renewal or such time as the licensee makes application for a new type of licence, whichever comes first.

In municipalities where, by municipal option, only certain classes of licensed establishments or types of beverage alcohol are now allowed, the municipality should be given a reasonable period of time to hold a vote to ascertain whether the local community wishes to have all classes of licence or none. If the deadline passes without a vote being held, the municipality should be declared "wet".

The following detailed premises rules should be eliminated:

- *Restrictions on the types of recreational facilities which may be eligible for a certain type of licence.*
- *The requirement that a recreational facility must make members of the public pay an admission fee to be eligible for a general beverage alcohol licence.*
- *The requirement that resorts only be allowed to serve beverage alcohol to registered guests.*
- *The minimum bedroom requirements for hotels.*
- *The exclusion of motels from the definition of hotels. Hotels should also be allowed to contract out food and beverage service to a licensee located within the complex.*
- *Restrictions on licensing of convention centres which are not municipally-owned.*
- *The restriction on the definition of aircraft to transcontinental carriers. Permitted hours of service within Ontario for commercial air carriers should be the same as licensees on the ground.*

Licensed patios should no longer require a special class of licence, and they should no longer have to be adjacent to a licensed establishment.

The four stadiums which have special stadium licences should be eligible for a "B" licence, and should be required to designate specific drinking areas in the stands. Supervision by stadium personnel of drinking in the stands should be improved to ensure that patrons are not served to the point of impairment and there is no consumption by underage persons, and that public order is maintained. Service of alcohol at seats in the designated areas should be allowed. Non-drinking areas should be sufficiently large to give non-drinking patrons a reasonable choice of seats in various price ranges.

Other stadiums, arenas, racetracks and other similar facilities for sporting events should also be eligible for a "B" licence, if they have municipal approval. Drinking should only be allowed in a designated area, with patrons properly supervised by trained servers; patrons may be served at their seats. Non-drinking areas should be large enough to give non-drinking patrons a reasonable choice of seats in various price ranges.

Passengers on a railway train should be allowed to take beverage alcohol to their seats, rather than remaining in the bar car, and railway personnel should be responsible for providing adequate supervision.

Consumption of alcohol on ships should only be permitted under the following conditions:

A) The vessel is a commercial freight-carrying ship which has a crew living on board; or

B) The vessel is capable of being used as a residence and contains sleeping quarters, kitchen and bathroom facilities, and is not under way; or

C) The vessel is licensed by the LLBO; to be eligible for licensing it must be certified by the federal Department of Transport, which has specifications for vessel safety, passenger capacity, numbers and qualifications of crew, waters in which the vessel may operate etc.

Current restrictions on licences for theatres should be removed, making theatres eligible for a "B" licence to serve beverage alcohol, with food available.

3. SPECIAL OCCASION PERMITS

There were 156,631 Special Occasion Permit (SOP) events held in Ontario in the fiscal year 1985-86. They included weddings, receptions, socials, fund-raisers and community festivals. An SOP is a temporary permit from the LLBO for a special event. It is required for any event in which a group or individual supplies beverage alcohol in a location other than a private residence. If the alcohol is to be sold, an SOP is required no matter what the location, unless the event is held in a licensed establishment and the establishment serves the alcohol.

(a) The Current Situation

Under the current rules, SOPs are divided into "no-sale" and "sale" events. No-sale means beverage alcohol cannot be sold either directly or indirectly. In 1985-86, there were 18,782 SOPs issued for no-sale weddings and 24,088 for no-sale receptions. Both kinds of events are for invited guests only, and no advertising is allowed. Receptions include such events as baptisms, bar mitzvahs and so on. No-sale events represented about 27 per cent of all SOPs in 1985-86. There is also a separate category for the sale of alcohol at weddings; there were 8,846 of those in 1985-86.

The other categories of sale SOPs are socials, fund-raising events, community festivals and outdoor events. By far the greatest proportion of the total number of SOPs fall into the category of social events. Fully 54.4 per cent or 85,180 of the 156,631 SOPs issued in 1985-86 were socials. The fund-raisers, community festivals and outdoor events came to 19,734 combined, or 12.6 per cent of the total.

The socials are allowed to sell beverage alcohol, but only to recover costs, not to make a profit. The public is not allowed to attend, and no advertising is allowed. These events are supposed to include only members of a group or organization and their invited guests.

A fund-raising SOP event is intended to raise money for charitable, educational or community service organizations. This kind of SOP is issued to charitable organizations registered under federal income tax law, or service groups or other associations organized for the advancement of charitable, educational or community goals. A recreational or social club may be issued one of these permits under special circumstances. The public may attend, and advertising is allowed, with prior approval by the Board.

A community festival is a sale event formally approved by the local council of the municipality. There are a number of specific requirements in addition to the council resolution. They include notification letters to police, health and fire departments, a letter of explanation outlining the nature of the event and measures for security and control. Advertising is regulated.

There are similar requirements for an outdoor event, which must be held in a public park, in an enclosed area separated from the rest of the park. Additional rules for outdoor events include submitting plans for the layout of the event, the buildings or tents to be used and where food will be served.

(b) Concerns about SOPs

The current system has been the subject of numerous complaints. Problems associated with SOPs were raised by a number of organizations and individuals who made submissions to the Committee during its public consultations. In addition, police complaints and inspection reports have documented a disturbing incidence of violations of the Liquor Licence Act and regulations at some events.

The complaints about SOPs fall into two major categories: lack of adequate control and "unfair" competition for licensed establishments. Certain types of SOP events have caused public order problems, drawing complaints from police and the surrounding neighbourhood. There have been concerns raised by public health organizations about over-service of alcohol and service to persons under 19 at inadequately supervised events. Representatives of the hospitality industry have objected to SOP events on the basis that they compete for business with licensed establishments which must operate under considerably more stringent rules.

The "sale social" is the most prevalent SOP event and is the type of event that has caused the most problems, in terms of community disruption, over-service of alcohol and service to persons under 19. Some users of social permits are ignoring not only the specific requirements which apply to this class of SOP, such as not admitting the public, but are also violating other general rules which apply to all SOP events, such as the amount of floor space required per person to avoid overcrowding. Even more serious, they are breaking the law by serving intoxicated persons and persons under 19 years of age.

Of course, not all those who are issued social SOPs behave this irresponsibly. Unfortunately, those who have abused the system spoil it for everyone else.

From the point of view of the LLBO, monitoring and enforcement have been difficult. From a strictly logistical standpoint, there are too many events and not enough inspectors. Therefore, SOP events are rarely subject to inspection, and there is no routine auditing or other procedural follow-up.

When the Board has investigated complaints, it has often found that its hands are tied. Once the event is over, there is little the Board can do to discipline or penalize the sponsors of the event. If the SOP has been issued in the name of an individual, that person can get a friend or associate to apply for an SOP the next time around. When this happens, the Board is unaware that it is dealing with persons who have caused problems in the past.

The complaints and problems with Special Occasion Permits may vary, but the general direction is clear: the system requires substantial change.

(c) A New System: Background

The Committee's paramount concern in recommending a new system for SOPs is to improve control of the events, particularly to ensure that they are conducted in such a way that there is no over-service of beverage alcohol or service to underage persons. We do not want to discourage special events where alcohol is served; our aim is to eliminate the problems.

One way of exercising effective control would be to keep the current system intact and hire a legion of inspectors to police 150,000 events a year. That solution, however, is impractical. The Committee recommends stepped-up inspection and enforcement in all aspects of alcohol regulation, including SOPs, but clearly something more basic must be done to improve the situation with SOPs.

The Committee has concluded that an effective way to control these events is to encourage most of them to be held in licensed establishments or to have a licensee in charge of beverage alcohol service. Licensees run their businesses under strict rules and regulations; if they contravene them, they run the risk of having their licence suspended or revoked by the Board. There is a good measure of control vested in the LLBO to ensure that licensees operate responsibly; if a licensed establishment has chronic problems, the licensee takes the consequences. The Committee wishes to ensure that Special Occasion Permits are not used to avoid the kinds of responsibilities that licensees must bear. The Committee also believes that SOP events should not result in unfair competition to licensees.

In more specific terms, SOP events should conform to certain basic rules: they should be for special, occasional use only; in general, the same standards should apply for the service of beverage alcohol at these functions as apply in licensed establishments; and the sale of alcohol at these events must not result in a profit except for fund raising events by charitable, educational and community service organizations.

The Committee believes that by making beverage alcohol licences available to banquet halls, as referred to in the chapter on Licensing, the demand for SOPs will be substantially reduced, as will the problems.

(d) A New System: Underlying Principles

The Committee recommends a new system governing SOP events. This system has two underlying principles:

i) to serve beverage alcohol in a **public** place, a licence or permit is required.

ii) to **sell** beverage alcohol, a licence or permit is required.

(i) Public vs. Private Place

The Committee has already made some reference in the chapter on Values to the distinction between a public and a private place. Generally, we believe individuals have the right to make their own decisions about consuming and serving beverage alcohol in a private place. The Act currently draws a distinction between a residence and a public place (to which the general public is permitted access). The Committee proposes defining a private place as a location which is not ordinarily open to the public and which is not open to the public at the time of the event at which beverage alcohol is served.

In the case of SOPs, we do not believe a permit should be required for no-sale events in a private place because control of the service of alcohol is not usually a concern. A private event by definition is restricted to invited guests, and the host is responsible for conduct of the event. An event in a public place, however, should be controlled through service by a licensee or issuance of an SOP.

(ii) Sale of Beverage Alcohol

Any event which involves sale of alcohol, which is the primary focus of the Act and regulations, should be conducted only pursuant to a licence or permit issued by the LLBO. Controls are required to ensure that there is no over-service of alcohol or service to underage persons.

With SOPs, there have been few problems related to service of alcohol at no-sale events. There is no incentive to "push" alcohol at an event at which the beverage is served at no charge.

(e) A New System: Recommended Changes

Based on the underlying principles and to ensure the necessary control of the service of alcohol, the Committee recommends the following:

1. No-sale events held in a private place should no longer require an SOP. We are not concerned about controlling an event at which beverage alcohol is served in a conference room or a private club; as long as: a) there is no sale, either directly or indirectly, of alcohol, b) the premises falls under the definition of "private" and c) there is no public solicitation. (In other words, one would not be allowed to "invite" people off the street and still call the event private.)

2. No-sale events in a public place should require an SOP or service by a licensee.

3. Private place should be defined as a location not ordinarily open to the public and not open to the public at the time of the event. It

should not include a privately-owned premises which is available to be rented or leased by a member of the public for occasional use. This type of premises may not "ordinarily" be open to the public, but it is "occasionally" open, and in the Committee's view should not qualify as a private place.

4. An event held in a licensed premises should not require an SOP. There is already control through the licence of the premises, so another permit is unnecessary. The licensee must be responsible for the service of alcohol.

5. As discussed in the chapter on Licensing, a licensee should be able to obtain an endorsement on his or her licence permitting service of alcohol at other locations which meet LLBO criteria. This endorsement would enable licensees to serve alcohol at events held in an unlicensed premises.

6. Regularly-scheduled, ongoing events should be held under a regular LLBO licence, rather than a series of SOPs. When the SOP was created, it was intended to be exactly what it says -- a special kind of permit for occasional use only. With more than 150,000 a year, it is apparent that use of SOPs has surpassed the occasional. In fact, there are a number of organizations which are using SOPs to sell beverage alcohol at events held, on a regular basis, as often as twice a week. These groups should apply for a regular LLBO licence for their premises. The Committee believes that SOPs should revert to their original purpose.

7. Social events at which alcohol is sold should no longer be eligible for an SOP. Such events may instead be held in a licensed establishment or may be served by a licensee who has an endorsement. The Committee believes there have been too many problems associated with these events to continue to allow inexperienced people to supervise service of alcohol themselves. These events must be held in a controlled environment with alcohol served by persons who can be held responsible for their actions.

8. Wedding receptions at which beverage alcohol is sold should continue to be eligible for an SOP.

9. Approved organizations raising funds for charitable, educational or community service purposes should continue to be eligible for an SOP if they wish to control the service of alcohol themselves. The Committee believes that most fund-raising organizations perform a valuable public service and are responsible, community-based groups. To ensure that every group which gets a fund-raising SOP is legitimate (and is not holding a "fund-raiser" for private gain), the Committee recommends that each organization be required to have either tax exempt status with Revenue Canada or a letter from the relevant municipal authority testifying that the group is a bona fide qualified organization.

   If the funds to be raised are designated for a charity other than the organization which is hosting the event, the recipient organization should be required to send a letter to the LLBO verifying that it supports the holding of the event. After the event takes place, the recipient organization should be required to verify in writing that the funds raised were indeed received. These conditions are attached to ensure that the system is not abused by illegitimate groups.

10. Like fund-raisers, community festivals should get an SOP if organizers wish to serve their own alcohol. Existing conditions for a festival SOP, such as notification of local health and police authorities, should be retained.

11. Outdoor events should not be restricted, as they now are, to public parks. The Committee sees no reason not to allow events in privately-owned locations, including private parks. We recommend there be no distinction between SOPs for indoor or outdoor events. However, outdoor events should require municipal approval.

The Committee believes there will be a marked decline in problems associated with SOPs under these new rules and conditions. With the number of permits considerably reduced, it should also be possible for the LLBO to improve monitoring and control of these events.

The categories of SOP in this new system should be:

- No-sale event in a public place;
- Wedding receptions at which alcohol is sold;
- Approved fund-raiser;
- Community festival.

RECOMMENDATIONS:

An SOP should not be required for a no-sale event in a private place when there is no sale of beverage alcohol directly or indirectly, the event is for invited guests only, and there is no public solicitation.

A private place should be defined as a place not ordinarily open to the public and not open to the public at the time of the event; it should not include a privately-owned premises which is available to be rented or leased by a member of the public for occasional use.

No-sale events in a public place should require an SOP or service by a licensee.

A licensee should be able to obtain an endorsement on his or her licence permitting service of alcohol at other locations which meet LLBO criteria.

Ongoing, regularly-scheduled events should be held under a regular LLBO licence and SOPs should no longer be issued for such events.

Social events at which alcohol is sold may be held in a licensed establishment or may be served by a licensee who has an endorsement, but should no longer be eligible for an SOP.

Wedding receptions at which beverage alcohol is sold should continue to be eligible for an SOP.

Approved organizations raising funds for charitable, educational and community service purposes should continue to be eligible for an SOP if they wish to serve alcohol themselves. A fund-raising organization should have tax exempt status with Revenue Canada or be verified as a bona fide qualified organization by the relevant municipal authority.

If the funds to be raised are designated for a charity other than the organization which is hosting the event, the recipient organization should be required to send a letter to the LLBO verifying that it supports the holding of the event. After the event takes place, the recipient organization should be required to verify in writing that it received the funds.

Organizers of community festivals should continue to be eligible for an SOP if they wish to serve alcohol themselves, and existing conditions for a community festival, such as notification of health and police authorities and the requirement for municipal approval, should be retained.

Outdoor events should not be restricted to public parks, but should be allowed in privately-owned locations subject to municipal approval.

4. DAYS AND HOURS OF OPERATION

There is probably no aspect of on-premises regulation of beverage alcohol service more familiar to the public than "last call" at the bar at the end of a social evening. Regulations under the Liquor Licence Act set the hours and days when sale and service of alcohol is allowed in all licensed establishments in the province. Some advocates of expanded hours argue that Ontario's 1 a.m. closing is out of date and out of step with our increasingly 24-hour society. However, there have also been concerns raised about the potential negative impact of a wide-open drinking milieu on the social consequences of consumption of alcohol.

The Committee has heard and considered submissions on all aspects of this issue, from public health agencies, organizations representing the hospitality industry, citizens' groups, licensees, and a host of other groups and individuals. We looked at this issue in the context of today's lifestyles, but with a particular perspective on the potential social costs of increased accessibility to beverage alcohol.

The current rules restrict licensees to 14 consecutive hours when they can serve alcohol, between 11 a.m. and 1 a.m. Monday to Saturday. Only establishments with dining licences are allowed to open on Sunday; they may serve alcohol from noon to 11 p.m. The Committee looked first to see what justification there is for putting restrictions on days and hours of service.

If there were no concerns related to consumption of beverage alcohol, no adverse health or social consequences, there would seem to be no reason to restrict availability. However, since there are social costs involved, it is important to assess the impact of increased availability on consumption levels. We are satisfied that research has established a positive correlation between increases in mean consumption levels by the population and the number of problem or high-risk drinkers. However, increased availability is only one factor affecting consumption. Other variables include demographics of the population and pricing structures, for example.

A major increase in availability -- an open, 24-hour system -- could be expected to have a greater impact on consumption than a less drastic increase in availability. Research studies in other jurisdictions have shown that rapid and widespread relaxation of alcohol controls can lead to adverse social consequences. Studies are inconclusive on a gradual relaxation of controls, but the Committee recognizes that the cumulative effect of a general lessening of restrictions on alcohol has had an impact on consumption and related problems.

We believe that there is less risk in a cautious approach, and the Committee prefers to err on the side of caution. Therefore, we are recommending that licensed establishments be allowed to serve beverage alcohol from 10 a.m. to 2 a.m. It is our view that this moderate increase in hours is consistent with the opinions expressed to the Committee and that it will meet with wide acceptance.

There could be some advantages to a 10 a.m. to 2 a.m. regime, beyond catering to a society which works later and therefore dines and socializes later than it did 20 or even 10 years ago. A 1 a.m. closing in some cases has the effect of encouraging drinkers to "load up" before the bar closes. Consumers may do the same thing at 2 a.m. However, the Committee believes that, with the later closing time, it is more likely that many patrons will be winding down in the final hour and will not be rushing to finish that last drink.

There should also be less demand for the so-called "after-hours" clubs, many of which now serve alcohol illegally after 1 a.m. Some of these clubs are causing public order problems for the surrounding neighbourhood. The extended hours will cut into the "after-hours" trade. It is the Committee's view that it is better to have drinkers in a licensed establishment where there is more control, and where there are trained servers who should recognize the signs of impairment and refuse to serve a patron before that person becomes a potential threat to himself and others. Furthermore, if a licensed premises causes problems, the LLBO can suspend or revoke the licence.

To allow the remaining patrons in an establishment to end their evening out with a non-alcoholic drink and food, the Committee recommends that establishments holding a Class "B" licence remain open an hour after the bar is closed or until the last patron has left, whichever comes first, and make available non-alcoholic beverages and food during that period. This requirement is not applied to Class "A" or "C" licences because they are primarily dining establishments, while Class "B" licences are only required to have food available. The extra hour of service would be for customers who are on the premises when service of alcohol ceases; licensees would not be obliged to admit new customers during the extra hour.

Licensees are not required to stay open until 1 a.m. in the current regulations, and they would not be required to stay open until 2 a.m. under the proposed new rules. However, whatever closing hour they choose, at or before 2 a.m., if they hold a Class "B" licence, they should provide patrons with an extra hour of service without alcohol.

The law now recognizes the right of municipalities to prohibit licensed establishments in their jurisdiction by means of the so-called local option. The Committee does not suggest eliminating the right of electors in an area to choose to keep it "dry". The authority of municipalities to limit hours of operation of establishments, through local bylaws, should also be retained. However, local governments should not have the authority to extend hours beyond the limits set by the province in the regulations.

The Committee is aware that certain areas of the province, such as border cities, are interested in the impact of expanded hours on tourism. There are also large centres which have a substantial convention business. But drinking hours are restricted in order to limit the adverse social costs related to alcohol consumption. Because of that, it would not be reasonable for the province to give special status to some parts of Ontario, on the basis of tourism or location.

The Committee believes that most of the concerns in these areas will be addressed through the general extension in hours. For example, the earlier opening hour will cater to those who like to have an alcoholic beverage with a weekend brunch.

The Committee also recommends that hotels be authorized to provide 24-hour service of beverage alcohol to guests' rooms and in a designated residents' lounge. The lounge should be located on a floor not readily accessible to the public and should be open only to registered guests of the hotel. This exception is recommended because a hotel has many similarities to a private residence for the guests staying there.

Further, the LLBO should have the specific authority to allow exceptions from regular hours of operation on a case-by-case basis for exceptional events of particular provincial, national or international significance. Each exception would have to be justified on its own merits.

The Committee also considered Sunday and holiday hours. About 85 per cent of licensed establishments are already eligible to operate on Sunday. Many licensees hold dining licences for the express purpose of qualifying for Sunday opening; the current rules specify that only establishments with food service can operate on Sunday. Making Sunday hours the same as the rest of the week would not constitute a major change. In the chapter on Licensing, the Committee recommends a new system of licence classification which would require all licensed establishments to have food available. Under that system, there would be no need to distinguish between classes of licences for Sunday opening based on food service since all of them would have to serve food. Therefore, the Committee recommends that all licensed establishments be permitted to open on Sunday, and that the hours on Sundays and holidays be the same as the other six days of the week.

In evaluating the overall impact of increasing days and hours, the Committee concluded that a limited increase would bring the regulations more in line with today's lifestyles, but would retain reasonable control and limit adverse social costs.

RECOMMENDATIONS:

The maximum hours of sale and service of alcohol in all licensed establishments should be 10 a.m. to 2 a.m. daily.

Establishments with a Class "B" licence should be required to remain open one hour after cessation of service of alcohol, or until the last patron has left the premises, whichever comes first, to serve non-alcoholic beverages and food.

Hotels should be authorized to provide 24-hour service of beverage alcohol to guests' rooms and in a designated residents' lounge in the hotel on a floor not readily accessible to the public. Service in the residents' lounge should be restricted to registered guests of the hotel.

The Liquor Licence Board should be given specific authority to exempt exceptional events of provincial, national, or international significance from *regulations governing hours of service of alcohol, such exceptions to be approved by Board order on a case-by-case basis.*

5. THE LEGAL DRINKING AGE

If we could legislate maturity and responsibility, a debate over the legal drinking age would be unnecessary. Needless to say, laws have never worked that way. There is also no age barrier which, when crossed, guarantees that a person is able to handle beverage alcohol in a moderate and responsible manner. We are obliged to make a subjective decision on what the appropriate age is, based on a reading of the best interests of society and its youth.

The law as it stands is by no means consistent when dealing with the rights and responsibilities of teenagers. Sixteen-year-olds in Ontario can get a driver's licence. They can also leave school and go to work. The criminal law in Canada treats offenders in a separate youth category until they reach age 18. Eighteen-year-olds can vote, sign contracts, and marry without permission. In this province, they cannot drink alcohol legally outside their home until they are 19.

Prior to 1971, the drinking age was 21. It was lowered to 18 that year, in concert with changes in 37 other provincial statutes, to vest a number of rights and legal responsibilities in persons attaining the new age of majority. The change reflected the increased participation of young people in the economic, social and political life of society. The argument, made then and widely accepted, was that it was unfair to say that persons aged 18 could vote and fight in wars, but not drink. There was also concern about the growing popularity of illicit drugs among youth; by lowering the drinking age, it was hoped that young people would be more likely to choose alcohol, a more acceptable alternative, over more dangerous drugs.

A reduction in the drinking age was not restricted to Ontario. In Canada, five other provinces and both territories had lowered the legal age prior to action by Ontario. Between the early and mid-1970s, 29 American states also reduced the drinking age.

In 1978, seven years after the drinking age had been lowered, Ontario enacted legislation to raise the age to 19. Again, it was part of a North American trend, this time to increase the age. The major reason was public concern about increases in young people's consumption of beverage alcohol and particularly about drinking-driving accidents. In Ontario, there was also the rationale that raising the age should help to keep drinking out of the secondary schools, since most 19-year-olds have finished high school.

In 1982, the U.S. National Transportation Safety Board and the National Council on Alcoholism recommended that all states raise the minimum drinking age to 21. The Presidential Commission on Drunk Driving made the same recommendation in 1983. Federal legislation enacted in July, 1984 provided for the withholding of a portion of federal highway grants from states which did not implement a minimum age of 21 by October 1, 1986. By the deadline, all but four states and Puerto Rico had complied.

In Canada, four provinces currently have a legal drinking age of 18; the age in the other provinces and territories is 19. Manitoba considered the issue in 1983, but decided to retain 18 as its legal drinking age. To our knowledge, no other province is contemplating a change at this time.

The Committee has reviewed the recent history of the drinking age and the experience of neighbouring jurisdictions. We have also had the benefit of hearing first-hand from groups and individuals around the province. The presentations to this Committee have reflected a broad range of opinion on this issue.

Social and health organizations, including the Addiction Research Foundation, recommended raising the age to 21, primarily to reduce drinking and driving by young people. Also arguing for 21 were such organizations as the Insurance Bureau of Canada, the Canadian Automobile Association and the Ontario Federation of Home and School Associations.

Most of the briefs from the hospitality industry and licensees advocated leaving the age at 19, to be more consistent with the other rights and responsibilities conferred on young people at age 18; many of them said that, as a rule, they found 19-year-olds to be responsible. They suggested a range of other alternatives to increasing the age, such as stiffer penalties for underage drinkers and those who provide alcohol to persons under 19, and a beefed-up enforcement campaign against drinking drivers. Some licensees favoured 18, or suggested it be considered when Grade 13 is phased out of the secondary schools; some also supported raising the age to 21.

Post-secondary student organizations generally argued against raising the age, and a few wanted it lowered to 18. A major argument given for not raising the age was that drinking and driving is a problem for all drivers, not just youth. Student groups also suggested alternatives, including more alcohol education and drinking and driving information in driver education courses.

The Committee has listened to all the advice and taken all views into account. In the final analysis, we found no consensus.

We also looked at the statistics and the research available on young drinkers. While much of it is helpful, it still leaves many unanswered questions. Very little is known, for example, about the dynamics of drinking by the young; where they get their beverage alcohol, the people (parents, other adults, friends) with whom they drink, in what situations they drink, and what percentage of young people represent a hard-core problem.

We do know that there are many underage people who consume beverage alcohol. In a self-reporting survey of Ontario secondary school students in 1981, about 75 per cent of those aged 15 or younger said they had consumed alcohol in the past year; 85 per cent of the 16 and 17-year-olds also reported drinking in that period.

Studies in Ontario and the United States secondary schools, in jurisdictions where the minimum age has ranged from 18 to 21, have shown a consistent general pattern: the vast majority of 16 to 18-year-olds admit to some drinking, while anywhere from 25 to 45 per cent reported drinking at least once a week.

There is little research available on the incidence of alcoholism or other non-traffic-related adverse effects of alcohol consumption among youth, related to a decrease or increase in the drinking age. Most of the research has concentrated on the problem of alcohol-related accidents on the road.

Ontario Ministry of Transportation and Communications accident statistics for 1984 indicate that young drivers from ages 16 to 24 were involved in a disproportionate number of traffic accidents of all types. Drivers aged 16 to 20 represented 7.7 per cent of all licensed drivers in Ontario, and yet they accounted for 14 per cent of all Ontario drivers who had accidents in 1984. Drivers aged 21 to 24 represented 10.3 per cent of all licensed drivers and 14.2 per cent of all drivers who had accidents. By contrast, drivers 35 years and older represented 56.7 per cent of all drivers and 41.3 per cent of drivers involved in accidents.

Young male drivers were particularly accident-prone: 14.7 per cent of 16 to 18-year-old male drivers were involved in accidents, compared to 7.3 per cent for female drivers in the same age category.

Young drivers are more likely to be involved in accidents, particularly fatal ones, relative to their proportion among licensed drivers. However, the Ontario Interministerial Committee on Drinking-Driving 1979 roadside survey of night-time drinking-drivers in Ontario revealed that it is more likely for the older driver up to age 50 to be driving in an impaired state than the younger driver. In the 35 to 49 age group, 8.1 per cent of the drivers surveyed failed the breathalyzer test (blowing over .08 per cent Blood-Alcohol Concentration), while only four per cent of the 16 to 18-year-olds and 6.2 per cent of the 19 and 20-year-olds failed the test.

Ministry of Transportation and Communications data on young driver alcohol-related accidents as reported by the police show that from 1979 to 1985, with a slight fluctuation in 1981, alcohol involvement per 1,000 accidents among drivers aged 16 to 19 decreased by about 36 per cent. The same statistics show that for drivers aged 20 to 24, again with a slight fluctuation in 1981, alcohol involvement per 1,000 crashes declined by 25 per cent. Overall declines for all drivers were about 20 per cent. Thus, the raising of the drinking age in 1979 appears to have been associated with a disproportionately sharp decline in alcohol involvement in accidents among young people.

The duration and magnitude of any impact associated with a further raising of the age is unclear. There are also other factors influencing the drinking-driving picture, particularly enforcement campaigns on the road and public awareness efforts spreading the message about the dangers of drinking and driving and the needless human tragedies caused by the impaired driver.

The Committee did not find sufficient justification for changing the legal age. We do not support lowering it to 18 because we believe it is important to keep drinking, as much as possible, divorced from the secondary school environment. We are not convinced that raising the age to 21 is the most appropriate way of addressing the major problem associated with young drinkers -- drinking and driving.

We have chosen to focus on the drinking-driving problem, rather than recommending a change in the legal age. For one thing, raising the age ignores the number of 19 and 20-year-olds who do not have a driver's licence or use of a car, or who have a good driving record. Secondly, we recognize that drinking and driving is a problem for all ages. As we have noted earlier, the worst offenders in the 1979 roadside survey were between 35 and 49 years of age.

The more recent drinking-driving statistics show a marked improvement among all drivers. We support the continuation and expansion of the enforcement and public education campaigns that seem to be having a real effect in changing attitudes at all age levels. But because there is a particular concern about the young driver, the Committee recommends an additional enforcement mechanism to affect all probationary drivers, all of whom are inexperienced at the wheel and many of whom are young.

Currently, police have the authority to suspend a driver's licence for 12 hours if a driver's Blood-Alcohol Concentration (BAC) reading on the roadside breathalyzer machine registers over .05 per cent, but less than the Criminal Code limit of .08. There is no charge; no demerit points are associated with this temporary suspension. The Committee recommends that an offence be created under the Highway Traffic Act to apply to probationary drivers who have readings of over .015 per cent. We believe this offence for probationary drivers can be justified on the basis of existing special provisions for learning drivers.

We have chosen .015 per cent because it allows for only a trace amount of alcohol in the driver's system and is the level at which signs of impairment first occur in laboratory tests. The message should be clear: probationary drivers cannot drink at all if they are going to drive. We would hope that all drivers would take this message to heart. But because of our particular concern about the inexperienced driver, we recommend that the probationary driver who is convicted of having a BAC over .015 per cent lose his or her licence for 30 days and accumulate six demerit points, thus requiring the two-year probationary period to begin again.

We expect this penalty should have a significant deterrent effect. It has the advantage of targetting inexperienced drivers.

We also recommend increasing the penalties for underage drinking to bring home to young people the seriousness with which society views this offence. The current $53 set fine for an out-of-court guilty plea to a charge of underage drinking is set by the Chief Judge of the Provincial Court (Criminal Division). We recommend that the Chief Judge be requested to increase the set fine in order to impress on young people the importance of obeying the law.

We also recommend that law enforcement officers be encouraged to proceed by summons on an underage drinking charge, rather than by "ticket", to require a court appearance by the accused. The prospect of an appearance before a judge should also act as a deterrent.

A licensee is subject to a fine and a licence suspension if convicted of serving or supplying beverage alcohol to someone under 19. In addition to that deterrent, we recommend a new offence under the Liquor Licence Act to prohibit a licensee from knowingly allowing an underage person to consume alcohol in a licensed premises. This should cover cases where the licensee is aware that he or she is serving to a 20-year-old patron who is passing drinks to the 18-year-old seated in the next chair.

We do not propose a change in the section of the Liquor Licence Act which permits parents to supply their underage children with beverage alcohol at home. Parents have special responsibilities; many wish to introduce their children to alcohol to teach them to consume in moderation before the age at which the children are allowed to drink legally without supervision outside the home.

In the chapter on Education, the Committee has recommended a mandatory training program for all licensees and servers of beverage alcohol working in licensed establishments. This proposed system for training servers should help to ensure that those who serve alcohol know their responsibilities and obligations under the law, particularly the prohibition against service to persons under 19 and persons who are impaired. In the same chapter, we have also made proposals for expanding public awareness about beverage alcohol, and in the chapter on Advertising, we have made further recommendations to ensure that the message of moderation and responsibility is widely disseminated.

The Committee believes that the recommendations we are making constitute an effective long-term and equitable method of addressing problems associated with young drinkers.

RECOMMENDATIONS:

The legal drinking age should remain at age 19.

The Minister of Transportation and Communications should be requested to create a special offence under the Highway Traffic Act to apply to the probationary driver who registers a reading in a breathalyzer test of over .015 per cent Blood-Alcohol Concentration. The penalty on conviction should be a 30-day licence suspension and six demerit points.

The Chief Judge of the Provincial Court (Criminal Division) should be requested to increase the $53 set fine for underage drinking, and that enforcement officers should be encouraged to proceed by summons on charges of drinking underage to require a court appearance by the accused.

A new offence should be created under the Liquor Licence Act for any licensee knowingly permitting consumption of beverage alcohol by a person under the legal drinking age.

6. BEVERAGE ALCOHOL ADVERTISING

There has been much debate about the impact of beverage alcohol advertising. There are studies which claim that advertising creates positive attitudes to drinking, particularly among the young. There are studies which claim there is no relationship between the content or frequency of advertising and per-adult consumption. And there are studies which claim advertising has some limited influence on drinking habits or that it helps to sustain consumption levels.

The Committee does not want to enter into a debate over the merits of various research studies on alcohol advertising. We have found the research equivocal.

The advertising and alcohol industries maintain that advertising does not affect consumption; it simply influences brand preference. However, the Committee heard from citizens' groups, public health interests and many others who expressed concern that alcohol advertising -- particularly beer advertising on television -- promotes increased consumption because it portrays appealing scenes in which drinking is shown to be a highly desirable social activity.

We share the concern that many beer advertisements on television communicate the message that drinking is synonymous with good times, camaraderie and social success. "Drinking time is party time, and party time is drinking time." We share the concern that advertising focuses on consumption by beautiful, young people, who look healthy, fit and happy, and ignores the potentially negative social and health aspects associated with alcohol consumption.

The Committee believes that it is essential to promote moderation and responsibility in consumption of alcohol. We think the beverage alcohol industry in Ontario should share some of the responsibility for disseminating that philosophy. We believe one way to foster that principle is through advertising: alcohol advertising which is consistent with a philosophy of moderation and responsibility, as well as public service advertising educating the public about the potential hazards of alcohol consumption.

We believe that the rules governing beverage alcohol advertising should be as clear and simple as possible. We also believe that rules which control the overall message or impression given by an advertisement are more likely to be effective than numerous detailed content restrictions.

The Liquor Licence Board currently exercises jurisdiction over beverage alcohol advertising in both the print media, such as posters, billboards, magazines and newspapers, and the electronic media. Although most of the presentations made to the Committee dealt with the nature and format of advertising programming, the argument was made that the provincial government, and hence its agent the LLBO, lacks jurisdiction over the airwaves. It was argued that, constitutionally, this power lies in the exclusive jurisdiction of the federal government and the Canadian Radio-television and Telecommunications Commission (CRTC).

We understand that the position of the Ontario government has been that the province is indeed charged with the authority to legislate in this field and consequently the LLBO is entitled to regulate television and radio beverage alcohol advertising. This position of competent provincial authority is shared by all the other provinces in Canada. Although the federal government, through the CRTC, is also an active regulator in this field, the concept of a federal-provincial shared jurisdiction is common in Canadian government. Consequently, the Committee believes that the provincial government should, through the LLBO, continue to regulate the content and format of advertising in both the print and the electronic media.

The Liquor Licence Act (Section 50) provides that no person shall advertise alcohol except in accordance with the regulations. The LLBO has the authority to order immediate withdrawal of an advertisement; the party affected may appeal the Board's decision to the Commercial Registration Appeal Tribunal. The regulations place restrictions on both alcohol manufacturers and licensees. A manufacturer is prohibited from engaging in advertising or promotional activities intended to attract public attention to its corporate name or the brand name of its products without prior approval by the LLBO. Licensees cannot advertise that alcohol is for sale, other than by reference to the class of licence held, without prior approval by the LLBO. There are a number of other detailed rules governing on-premises advertising by licensees.

The LLBO also has directives on alcohol advertising, which are not included in the regulations, but which are publicly available and are well known to advertisers. These directives place specific restrictions on the content, frequency, size and location of advertisements. Compliance is a condition of the licence of beverage alcohol manufacturers.

The directives cover all advertising media, such as newspapers, magazines, billboards, subway platforms, buses, radio and television. Distilled spirits, for example, cannot be advertised on the front cover of a magazine. The CRTC, which has its own set of regulations, prohibits distillers from doing any advertising in either of the broadcast media.

The LLBO directives on advertising content require that advertisements be directed to the merits of the brand of alcohol and not to the merits of consumption. They prohibit advertising which suggests that alcohol consumption "may be a significant factor in the realization of any lifestyle." They prohibit associating alcohol consumption with activities involving care and skill or elements of physical danger. They deal with the impact on persons under the legal drinking age and non-drinkers, and with the use of well-known personalities in advertisements.

One of the most common topics of argument in the debate over alcohol advertising is "lifestyle". Everyone seems to know a "lifestyle" advertisement when they see one, but there has not been universal agreement on a definition. As we have noted, the LLBO directives state that alcohol advertising cannot suggest that consumption may be a significant factor in realizing any lifestyle. However, the Committee heard in its public consultations that many viewers perceive that there are many so-called "lifestyle" alcohol advertisements on television, and that the lifestyle depicted is not usually one of moderation and responsibility.

The Committee proposes a positive approach which sets a general requirement: that all beverage alcohol advertisements should be consistent with a philosophy of moderation and responsibility in the consumption of alcohol. Within that general requirement, there should be certain specific standards such that no beverage alcohol advertisement:

- appeal, either directly or indirectly, to persons under the legal drinking age;
- appeal, either directly or indirectly, to non-drinkers;
- associate drinking with operating a motor vehicle or with any other activity which involves care and skill or elements of physical danger;

- imply that consumption of beverage alcohol contributes to personal or social success;
- appear to reinforce behaviour which can lead to adverse health or social consequences.

Most of these specific standards are already included, in some form, in the current directives. However, the Committee proposes that they be couched in a new context -- consistent with a philosophy of moderation and responsibility.

A specific area of controversy which has been brought to our attention is the use of well-known personalities in alcohol advertising. While the Committee does not object to all such uses of well-known personalities, it does not approve of using those who appeal to young people, either directly or indirectly. While it would probably be easier to declare a ban on the use of all well-known personalities in alcohol advertising, the Committee does not feel that is necessary, fair or justified.

We feel strongly that not only should the beverage alcohol industry have to make its advertising consistent with a philosophy of moderation and responsibility, it should also have to contribute to public service advertising to educate the public about the potential negative social and health implications of consuming beverage alcohol. The industry makes its profit from a substance which is a potentially hazardous drug. Our society bears tremendous social and health costs caused by problems associated with alcohol consumption. The industry should help pay the costs of educating the public about the potentially adverse effects of consumption.

We recommend that beverage alcohol manufacturers be required to dedicate a significant proportion of their advertising and promotion expenditures to public service advertising. The proportion should be set out in the regulations, and this public education advertising should be targetted at exactly the same audience as the other alcohol advertising. Beverage alcohol manufacturers should be required to meet the new standards for advertising and the requirements for public service advertising as a condition of their licence. The definition of "manufacturer" should be: all manufacturers of beverage alcohol, wherever located, whose products are sold or promoted in Ontario, including their distributors, agents, and related persons.

With regard to enforcing the new standards for the control of beverage alcohol advertising, the Committee recommends pre-clearance by the LLBO of beverage alcohol advertisements. We are aware that there is already a screening mechanism at the federal level through the CRTC. The CRTC regulations are similar, but not identical, to Ontario's current directives. The Committee believes the two screening bodies should reinforce each other in their efforts to ensure that alcohol advertising is responsible.

The Committee recommends that advertising by licensees should meet the same standards prescribed for all other beverage alcohol advertising. Advertising within licensed establishments and other advertising by licensees must be consistent with the themes of moderation and responsibility.

Currently, an advertisement may be permitted indoors, but not allowed on an outdoor billboard or transit shelter. The Committee proposes that such arbitrary distinctions as that between indoor and outdoor advertising vehicles be abolished. In the interest of consistency and fairness, we recommend that the standards should be applied in the same way to all advertising media. For the same reason, the Committee recommends that the new advertising standards treat all beverage alcohol in the same way. As has been discussed earlier in this report, the Committee has rejected the traditional distinction made in alcohol regulations between distilled spirits, wine and beer. We are not concerned with what people drink, but how they drink. It is the amount of pure alcohol consumed that affects health and behaviour, not the type of drink. We do not recommend singling out distilled spirits for an exclusive ban in a particular medium. However, since the CRTC continues to prohibit distillers from advertising in the broadcast media, we understand that our recommendation would not change the current situation.

It is also recommended that the new standards should be included in beverage alcohol regulation in a clear and precise manner. This should afford anyone who wishes to engage in advertising beverage alcohol products a clear indication of what type of advertising is or is not permitted. Difficulties would be minimized for the advertiser of beverage alcohol products who could be disadvantaged by vague or uncertain rules. In addition, court challenges to these regulations would be kept to a minimum. Putting advertising standards into beverage alcohol regulation should also serve to emphasize the importance of this issue.

The Committee realizes that there is no conclusive proof that beverage alcohol advertising causes more people to drink more alcohol or inculcates values associating drinking with the good life. But given that alcohol is a potentially hazardous drug, and given that advertising by its very nature promotes the consumption of a product containing this drug, it is the Committee's view that, because of the need for reasonable caution and concern for the public welfare, the onus should be on the advertisers and manufacturers to prove that concerns expressed about the effects of alcohol advertising are groundless. Given the concerns in the community, the Committee feels that there is a need for new and more effective controls on alcohol advertising.

RECOMMENDATIONS:

All types of beverage alcohol and all advertising media should be subject to the same standards.

All beverage alcohol advertising should be required to be consistent with a philosophy of moderation and responsibility in the consumption of alcohol.

Within the general context of moderation and responsibility, all beverage alcohol advertising should be required to adhere to the following specific standards such that no advertising:

- *appeal, directly or indirectly, to persons under the legal drinking age;*
- *appeal, directly or indirectly, to non-drinkers;*
- *associates drinking with operating a motor vehicle or with any other activity which involves care and skill or elements of physical danger;*
- *imply that consumption of beverage alcohol contributes to personal or social success;*
- *appear to reinforce behaviour which can lead to adverse health or social consequences.*

All beverage alcohol manufacturers should be required to dedicate a significant proportion of their advertising and promotion expenditures to public service advertising to educate the public about the potential hazards of alcohol consumption.

The new rules for beverage alcohol advertising should be referenced in the regulations or should be in regulatory form.

Beverage alcohol advertising should be pre-cleared by the Liquor Licence Board.

Advertising by licensees should be required to meet the same standards prescribed for all beverage alcohol advertising.

7. ADULT ENTERTAINMENT

The issue of "adult" entertainment in licensed establishments is of particular interest to several municipalities in Ontario which have been attempting to regulate in this area, to the police and to licensees who specialize in this kind of entertainment. It is also of interest to citizens concerned about the character of adult entertainment outlets in their communities.

Adult entertainment in this context, for the most part, is nude entertainment, usually dancers or strippers. Where adult entertainment is shown in non-licensed establishments, the Liquor Licence Board has no jurisdiction. But the Committee has been urged to recommend that the LLBO be given the power to control this type of entertainment when it involves establishments licensed by the Board.

During the public consultations, the City of Windsor and the Ontario Association of Chiefs of Police made submissions suggesting that Section 8 of the regulations under the Liquor Licence Act should be amended to prohibit nude entertainment. That section refers to terms and conditions of a licence. Both the municipality and the police are aware of the jurisdictional difficulties involved in this issue. Windsor has made representations to the federal government. The Chiefs recommended in their submission that the Parliament of Canada be petitioned to delegate authority to the provinces to give effect to the proposal.

The Committee appreciates the concerns which have prompted demands for action by these and other groups. However, the concerns tend to focus on issues of public morality and various criminal offences occurring in or around the premises -- all of which involve law enforcement and fall under federal jurisdiction in the Criminal Code of Canada. The current legislative, judicial and jurisdictional context of this matter is complex.

The federal Criminal Code deals with issues of morality such as obscenity and nudity. Various sections of the Code prohibit anyone, without lawful justification or excuse, from exhibiting or participating in an indecent show, or an obscene performance or entertainment, or putting on an indecent act, or appearing nude in a public place.

However, because the number of convictions under the Criminal Code on charges related to nude entertainment has been low, and because of public demand to clean up these acts, the province has given municipalities authority to regulate adult entertainment parlours under the Municipal Act. Section 222 allows municipalities to pass bylaws regarding licensing, regulating, governing, classifying and inspecting adult entertainment parlours, limiting the number of establishments, controlling advertising and defining the areas of operation.

A number of municipalities which have passed bylaws to try to force nude dancers to cover up have had those bylaws struck down in the Ontario courts. The municipal action was deemed to be an attempt to regulate public morals, which is a federal Criminal Code matter. Municipalities have had more success with attempts to control these establishments through zoning the areas where adult entertainment parlours can and cannot be located. The Ontario Court of Appeal recently upheld the authority of a municipality to shut down a nude entertainment operation in a prohibited zone, although the place was operating before the zoning bylaw was passed. The Supreme Court of Canada has refused the entertainment establishment permission to appeal the ruling.

The courts have not ruled invalid the Section of the Municipal Act which confers authority on municipalities to regulate these establishments. But the courts have indicated that municipalities cannot regulate the dress or undress of performers. Their authority to regulate where these outlets can be located appears to be intact.

The LLBO did regulate entertainment before legislative changes took effect in January, 1976. The year before that, the Ontario Divisional Court ruled that there was nothing in the text of the Liquor Licence Act or regulations that would permit the LLBO to prohibit nude dancing simply because the Board felt it was immoral or obscene.

It is the Committee's interpretation of the law that an amendment to the Liquor Licence Act to regulate nude entertainment in licensed establishments would likely be declared unconstitutional. It would be rendered invalid by the courts on the grounds that the province is overstepping its jurisdiction inasmuch as a provincial authority may zone for business purposes but not so as to set standards of morality.

However, that does not mean that the LLBO should ignore problems surrounding licensed establishments which have nude entertainment. For example, if there are public order problems associated with a licensed establishment which offers nude entertainment, the Board has the power to call a disciplinary hearing and revoke the licence. The Board may also call a licensee to account at the time of the licence renewal on the basis of his past conduct.

If the Board concludes that the licensee's past conduct is such that it "affords reasonable grounds for belief that he will not carry on business in accordance with law and with integrity and honesty" (Section 6 (1) d) or that operation of the business is "not in the public interest" (Section 6 (1) g), the Board can take action.

In other words, the Board can deal with the possible consequences of a licensed establishment having nude entertainment, without getting involved in prohibiting or trying to regulate the entertainment itself. Many of the complaints about these establishments concern unruly behaviour involving patrons, or criminal activities such as illicit drug-dealing. It is up to the police to enforce the criminal law on drugs and public disorders; but the Board can examine and act on a licensee's record of conducting business. It should be the policy of the Board that definite action will be taken in cases of conviction.

The suggestion was made during the Committee's public meeting in Windsor that a regulation could be passed prohibiting entertainers from mingling with patrons of a licensed establishment. The dancers would be forced to stay on stage, away from the tables. This would theoretically be related to a problem of public order on the premises. However, the Committee can see no evidence that such a rule is necessary across the province.

It may be possible that a federal-provincial agreement could be entered into to delegate authority on adult entertainment to the provincial government to overcome the current jurisdictional difficulties. However, the Committee believes that until then, issues of public morality should be left to law enforcement agencies and the courts to enforce federal law rather than inserting the LLBO into the equation. It appears that municipalities are on solid ground in controlling the location of these outlets; zoning is their business. And the province has given legislative authority to municipalities to deal with all these parlours, not just the establishments which have alcohol licences.

We certainly do not minimize the concerns related to adult entertainment. However, we feel that alcohol regulation is not the appropriate vehicle for dealing with those concerns.

RECOMMENDATIONS:

No action should be taken to regulate adult entertainment through the Liquor Licence Act.

8. INDUCEMENTS AND PROMOTIONS

In November, 1985, the Liquor Licence Board examined irregularities in the marketing of beverage alcohol. A few months later, considerable media and public attention was focused on reports of cash payouts and kickbacks by beverage alcohol manufacturers to licensees. The LLBO recommended that action be taken to correct the situation.

The Committee has used the findings of the LLBO review to examine the issue of inducements in the beverage alcohol industry. The Committee also received detailed submissions from manufacturers, the food services industry, and some members of the public on this topic.

Before we discuss any recommendations, we should clarify what is meant by an inducement. The term is not clearly defined in the Liquor Licence Act or its regulations. We define an inducement as an act by a manufacturer of beverage alcohol or its agent which is intended to persuade a licensee to order more of that manufacturer's product, to the partial or total exclusion of other manufacturers' products.

These incentives from producers and/or their agents to licensees or permit-holders could be in the form of free product, rebates, cash or other considerations.

Inducements are prohibited by the Act and regulations. Section 47 (1) of the regulations prohibits any manufacturer, its agent or employee from offering, either directly or indirectly, to give any financial or material inducement to any licensee or permit-holder or his or her agent or employee "for the purpose of increasing the sale or distribution" of any brand of beverage alcohol.

Further, licensees, their agents and employees are specifically prohibited from accepting "any financial or material inducement, discount or rebate or any form of payment or benefit" from a manufacturer or anyone interested in increasing the sale or distribution of a brand of beverage alcohol (Section 8 (8)).

Licensees are also required to have an adequate stock of beverage alcohol, of the brands and types that are "commonly in demand in the place where the premises is located". Where draught beer is sold, only one brand is required to be on tap at any one time.

There are a number of other rules pertinent to this issue: the requirement for registration of manufacturers' agents; the "tied house" provision which denies a licence to anyone who is under agreement with any person to sell beverage alcohol, such as a manufacturer or anyone else who may be likely to promote one producer's product; prohibition against a manufacturer giving gifts of product except in accordance with the regulations; permisssion to give alcohol to a person for the purpose of sampling a new brand or product or to carry out market research.

The industry itself is divided on what should be done about inducements. The Association of Canadian Distillers supports the current prohibition against inducements and endorses any efforts by the LLBO to minimize exclusive supplier arrangements related to such practices as volume discounts and rebates.

The Brewers of Ontario, on the other hand, have suggested that legislation should not prohibit or restrict arrangements which amount to generally and reasonably acceptable business practices between manufacturers and retailers. Having made that proposal, the Brewers made a subsequent presentation to the Committee, suggesting that the LLBO prohibit inducements, except business practices deemed acceptable by the Board and major sponsored events approved by the Board. They argued that events of not more than three consecutive days should be considered for Board approval, and there should be a limit of 15 sponsored days per licensed establishment per year.

The position of the large brewers is not shared by all of the smaller brewers in Ontario who have a small market share and who could not compete in any inducement battle with the large companies.

The position of the Ontario Restaurant and Foodservices Association is that the relationship between supplier and licensee should reflect that of any other retail sector. They have suggested amendments to the Act to permit licensees and suppliers to enter into joint advertising ventures both on and off premises.

Having reviewed the various briefs on this issue, the Committee examined a very basic question: What is wrong with inducements, if anything?

Our conclusion is that there is a real danger in inducements because they can well cause a reduction in competition and reduce consumer choice. That is a disservice to the consumer, who may not be able to get the brand he likes in his local pub because the owner has made a deal with another producer, for compensation, to carry only that manufacturer's product. Inducements are aimed at the licensee, not at the consumer. The consumer is normally quite unaware of any arrangements between a manufacturer and a licensee.

Sales of beverage alcohol to licensed establishments represent less than one-quarter of total sales, province-wide. But the licensee market is crucial to manufacturers because consumers tend to try out different brands in a bar or restaurant to see which ones they prefer. The licensed establishment is the flagship of the market.

If inducements were permitted, they could eventually lead to an inducement "war" as manufacturers fought for control of segments of the licensee market. If Producer X offered a particular inducement to carry only his product, Producer Y could double the inducement to get the licensee to change his or her mind. If that happened, the overall health of the industry could be undermined. A smaller producer which could not afford this kind of competition could possibly be driven out of business.

Inducements would not necessarily continue to be an advantage to licensees. For example, if an inducement war succeeded in paring the market down to the two or three large breweries, the market could well be carved up among the surviving manufacturers, leaving little reason for producers to give incentives to licensees. In such a situation, the manufacturers might also start dictating which products a licensee must stock. A market with only two or three brewing giants would also be very difficult to break into by a new manufacturer.

The adverse effects of inducements on smaller breweries, on the industry in general and eventually on licensees are important factors, but they are secondary to the impact on the consuming public. It is the skewing of the market to the detriment of the consumer that is the paramount consideration. Without competition, there would be little incentive for members of the industry to improve the quality of their products or to innovate (e.g. light beers).

It can be argued that there are inducements given and accepted in other industries, and nothing is being done about them. However, the Committee does not find this a compelling reason not to act in the case of the beverage alcohol industry.

It has been argued that because of price regulation in the beverage alcohol industry, inducements are an outlet for competition. We do not see how inducements can be construed as competitive when they are a means of rigging the market in favour of a particular producer. In addition, in provinces which do not have price regulation (British Columbia, Alberta and Saskatchewan), inducements remain a problem. If Ontario were to eliminate price regulation, the result would likely be different prices in different parts of the province, particularly in the North -- a situation which would be unacceptable.

It could also be said that the suggested scenario of the big breweries driving the smaller ones out of business is an unlikely, worst-case proposition. However, the size of the industry has fluctuated rather drastically in the past. For example, there were more than 30 breweries in Ontario in 1960, and 10 in 1986.

It has also been argued that the Committee should find a compromise which allows some kinds of inducements, but not others. However, that would leave the LLBO in the position of trying to arbitrate in each instance between what is an acceptable business practice and what is not. The difficulty with this position is that it implies that certain kinds of inducements are acceptable. The Committee disagrees. Furthermore, policing of a partial restriction on inducements would be next to impossible.

It is the Committee's view that the law should continue to prohibit inducements, and that the regulations should be clarified and strengthened to make that prohibition enforceable. To that end, we recommend that a clear definition of what constitutes an inducement be included in the regulations.

There should also be a separate section in the regulations providing sanctions for offering or providing inducements and requesting or receiving them. This section should provide flexibility in penalties to allow for innovative approaches. Instead of a fine, for example, an offender might be required to do a special public service advertisement on alcohol. Moreover, by including separate sanctions for this offence, the government will be indicating to the industry its determination to stop these practices.

To make enforcement practical, the authority of the LLBO to audit the books of manufacturers and agents with respect to their Ontario operations for the purpose of controlling inducements should be broadened. Otherwise, it is almost impossible for investigators to prove whether there are under-the-counter inducement funds.

All beverage alcohol manufacturers who sell or promote their products in Ontario should be given equal treatment; thus the regulations concerning inducements should include all manufacturers, wherever located, their distributors, agents and related persons. The activities of manufacturers' agents should be regulated by the LLBO. Agents are now required to register with the Board, but many do not, and their activities are not adequately monitored. To enforce the prohibition against inducements, the Board must license these agents and regulate their activities. This licensing should include private stock agents who represent such interests as foreign manufacturers and who are now registered with the LCBO.

While the Committee recommends prohibiting inducements, we do not oppose the use of promotions. The distinction between the two is that promotions are directed at the consumer and inducements at the licensee. The problem in distinguishing between inducements and promotions is that the difference is in the intention. A manufacturer may give a licensee some posters or coasters for his establishment. These materials are of benefit to the licensee, but their primary purpose is not to induce the licensee to order a certain product to stock his bar; the purpose is to entice the consumer, through advertising, to buy that product.

Promotions should also be defined in the regulations, indicating that they must be materials or activities directed at the consumer, to distinguish them from inducements aimed at the licensee.

While we view promotions as useful marketing devices, there comes a point when a promotion can be so extravagant as to become an inducement to the licensee. For example, if a manufacturer provides enough coasters for a whole year for an establishment with a large number of separate bars and dining rooms, then the promotion has probably turned into an inducement to give exclusive shelf space to the product of the manufacturer.

To avoid this kind of excess, the Committee recommends that a financial cap be placed on the amount of promotional materials that can be given to or received by a licensee, based on the number of seats in the establishment, up to a total financial limit per licensee per year.

That financial limit must include any beverage alcohol product given to patrons of a licensee on a licensed premises by the manufacturer or agent. The cost of the product must include beverage alcohol taxes to reflect accurately the value of the gift. Trade sampling by the beverage alcohol industry should be a legitimate method of introducing a new product or doing market testing. However, if no restrictions are placed on trade sampling, there is a danger that it could become an inducement. For example, if a manufacturer's agent buys one round for the house in a licensed establishment and chats with patrons about whether or not they like the new beer, that activity would seem to be an innocuous promotion. However, if the agent buys beer for the house all evening long, then the promotion has become an inducement to the licensee, because the agent has paid for an evening's worth of sales at the bar, a significant benefit to the licensee.

The financial cap will control abuse of trade sampling in licensed establishments. However, trade sampling does not necessarily have to occur in a licensed establishment. For example, a manufacturer may wish to introduce a new product under a Special Occasion Permit. To ensure there is control of these types of trade samplings, the Committee recommends the following conditions: a trade sampling which is not held in a licensed establishment may only take place in a controlled setting; the manufacturer must offer the product directly to the consumer; it must promote moderation in consumption of beverage alcohol; and food must be available at the event.

Currently, sales representatives may buy products for the purpose of trade sampling from the LCBO at LCBO cost plus a small handling charge, or some may obtain it directly from the manufacturer from supplies classified as wastage. The Committee believes that all beverage alcohol products should be treated in the same manner, and that full tax and LCBO mark-up should be collected on all products used for trade sampling. We recommend all trade samples used for promotional purposes be purchased at full LCBO retail price.

We have already mentioned aspects of enforcement in terms of the Board's ability to audit the accounts of manufacturers, and a separate set of sanctions for inducements. As with other recommendations for changes in regulations in this report, the new rules on inducements and promotions will require increased monitoring and enforcement, and the LLBO will require the necesssary manpower to carry this out.

RECOMMENDATIONS:

Regulations concerning inducements should apply to all beverage alcohol manufacturers, wherever located, whose products are sold or promoted in Ontario, including their distributors, agents, and related persons.

Inducements by beverage alcohol manufacturers or their agents should be prohibited and the regulations should be clarified and strengthened to enforce that prohibition.

A clear definition of an inducement should be included in the regulations to indicate that it is an act by a manufacturer or its agent which is intended to persuade a licensee to order more of that manufacturer's product to the partial or total exclusion of other manufacturers' products.

A separate section in the regulations should set out sanctions for offering or providing an inducement and requesting or receiving one, and this section should be sufficiently flexible to allow for innovative penalties for this particular offence.

The authority of the Liquor Licence Board to audit the accounts of beverage alcohol manufacturers and agents with respect to their Ontario operations for the purpose of controlling inducements should be broadened.

All agents of all beverage alcohol manufacturers who sell their products in Ontario should be licensed by the LLBO and their activities should be regulated under the Act.

Promotions should be defined clearly in the regulations to indicate they must be materials or activities directed at the consumer and not the licensee.

A financial cap should be placed on the amount of promotional materials that can be given to or received by a licensee, based on the number of seats in the establishment, up to a total financial limit per licensee per year. The financial *limit must include any beverage alcohol provided directly or indirectly by the manufacturer or agent to patrons of a licensee on a licensed premises; the cost of the product must include beverage alcohol taxes to reflect the full value of the gift.*

Trade sampling by beverage alcohol manufacturers not held in a licensed establishment should be subject to the following conditions: the event may only take place in a controlled setting; the manufacturer must offer the product directly to the consumer; it must promote moderation in consumption of beverage alcohol; and food must be available at the event.

All trade samples used for promotional purposes should be purchased at full LCBO retail price, including tax and mark-up.

9. CIVIL LIABILITY

There is both concern and uncertainty in the hospitality industry about civil liability related to service of beverage alcohol. There are two basic reasons: the existing case-law is complex and confusing, and many licensees do not understand their obligations under the law. The aim of the Committee in addressing this issue is to clarify the responsibilities of licensees, to promote responsibility in the service of alcohol and to make recommendations that would result in laws that are fair and reasonable.

In recent years there has been a dramatic increase in the number of liability law suits related to the service of alcohol. A number of factors have contributed to the emergence and expansion of liability for the conduct of intoxicated patrons: the expansion of situations where the courts have held that a person has a duty to take action to prevent damage or injury to others; mandatory breath and blood testing; the narrowing of traditional defences; the increasing size of damage awards; and changing public and judicial attitudes.

Traditionally, the common law generally did not hold a person responsible for the conduct of others. The law did not demand that you be your brother's keeper. Over the last several years, however, the courts have greatly expanded the number and kinds of situations in which an individual will be held liable for the conduct of another. This change in the duty of care to control the conduct of others is a small part of a general trend toward expanding liability.

The first mandatory breath testing provisions were introduced into the federal Criminal Code in 1970, and these provisions have been expanded since. Police now also have the authority to demand that a driver submit to a blood test in certain situations. One of a plaintiff's major problems is proving a patron's intoxication. Breathalyzer evidence can be important in establishing the level of intoxication in a liability suit.

If the plaintiff is an intoxicated person who injures himself, the defendant can raise two broad defences to limit or negate the claim: contributory negligence or voluntary assumption of risk. In other words, the injured party was negligent in not protecting himself and was therefore partly at fault; or, he knew the risk and accepted it. The courts have become increasingly reluctant to accept either defence. In cases involving a finding of contributory negligence, the courts have tended to apportion liability heavily against the alcohol provider. And the courts do not usually infer that a plaintiff voluntarily assumed the risk unless there was an express agreement to do so.

There has also been a significant increase in the size of damage awards in recent years. Awards of a million dollars or more are commonplace in serious personal injury cases in Canada. In alcohol-related cases, such an award is almost always beyond the means or insurance of the intoxicated person; the injured party must find other defendants, such as the insured provider of alcohol, to have a realistic chance of collecting a large award.

Another factor is a change in attitude toward alcohol and its role in traffic injuries and fatalities and in other kinds of accidents. The change is most apparent in relation to the drunk driver. Public, government and judicial attitudes are much more critical than in the past of the individual who drinks and drives. Servers of alcohol who are sued in a liability case in which someone has been badly injured or killed by an impaired driver are unlikely to find a sympathetic audience.

There are stringent provisions in the Liquor Licence Act related to the responsibilities of licensees. They are forbidden to sell or serve liquor to any person in, or apparently in, an intoxicated state (Section 43); they cannot knowingly serve a person under the age of 19 (Section 44); they must eject any person from their premises who they have reasonable grounds to believe is contravening the law and they may refuse entry to someone they believe is "undesirable" (Section 47). The sections which prohibit serving alcohol to an intoxicated person or to an underage person are not specifically limited to licensees; they apply to anyone supplying alcohol.

Penalities provided in the Act for contravention of any of these provisions are substantial. Persons convicted of contravening the Act or regulations are liable to a maximum fine of $10,000 or a year in jail or both. Where a corporation is convicted, the maximum fine is $25,000. The minimum fine for providing alcohol to a person apparently under the age of 19 is $500 if the convicted person is a licensee and $100 if the person is not. The licensed establishment also will have its licence suspended for at least a week.

In addition to the penal provisions of the Act, Section 53 states that a person, his servant or agent, who sells liquor to or for a person "whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others" may be held liable if the intoxicated person commits suicide or dies by accident or causes injury or damage to a third party.

Licensees also operate under a number of requirements in the Act and regulations concerning the condition and safety of their premises. They may be held liable under the Ontario Occupiers' Liability Act which requires that all occupiers take reasonable steps to ensure that their premises are reasonably safe for those who enter.

But a licensee's liability is not limited to statutory causes of action that arise from obligations under the Liquor Licence Act or the Occupiers' Liability Act. There is also the common law, the body of law that has been built up over the years through judicial decision-making. Under the common law, providers of beverage alcohol may also be held civilly liable if they serve someone past the point of intoxication. Unlike an action under Section 53 of the Liquor Licence Act, a common law action is not necessarily restricted to sellers of alcohol and includes cases where the intoxicated person injures himself or herself. The common law action overlaps the statutory action but is broader in scope.

The Committee examined the case-law involving the statutory liability imposed on the licensee and the common law duty of care. The Ontario courts have not clearly distinguished between these two independent bases of liability, and this has led to some confusion. However, there is a trend apparent in both areas, and that is a tendency to interpret liability broadly.

Under the current case-law, a server of beverage alcohol may be held civilly liable for providing alcohol to someone past the point of intoxication, whether or not the server acted reasonably in attempting to determine the patron's state of sobriety. This is contrary to the general principles of tort (civil) law. Under these principles, with few exceptions, an individual cannot be held liable unless he acted knowingly or negligently.

The burden of liability borne by alcohol servers in the current legal environment is, in the Committee's view, too stringent. An examination of the case-law indicates that a provider of alcohol can be held liable for serving an intoxicated patron past the point of intoxication, even if he or she acted reasonably under the circumstances. The following hypothetical situation illustrates the problem: A person enters a licensed establishment. This person is not visibly intoxicated, orders one or two drinks, quietly consumes them and leaves. This patron is subsequently involved in an accident, causing injury to others. It turns out that the patron had been drinking prior to arriving at the licensed establishment. The licensee did not serve enough alcohol to cause intoxication, and the patron was not visibly intoxicated. Nevertheless, the alcohol served by the licensee was sufficient to put the patron past the point of intoxication, so the licensee may be civilly liable.

The Committee recommends that the Liquor Licence Act be amended to make the liability of a provider of alcohol for sale fault-based. Licensees should be liable only where they have knowingly or negligently served a person to impairment or provided service to someone who is underage. The new section on liability in the Act should provide an exclusive remedy for these two acts, eliminating the overlap between common law and statutory liability bases of action. It should encompass death or injury to the alcohol consumer or third parties. It should cover all providers of beverage alcohol for sale and all providers of alcohol in a public place.

The Liquor Licence Act currently refers to "intoxication", but the Committee chose "impairment" as a more suitable and realistic benchmark. The difficulty for licensees in some instances is determining sobriety. There is also a prevalent and erroneous notion that intoxicated must mean "dead drunk". The Committee discussed the feasibility of defining intoxication using the Blood-Alcohol Concentration (BAC) in Section 237 (b) of the Criminal Code of Canada. However, the .08 per cent BAC was rejected on two grounds. First, that licensees do not have breathalyzer machines on their premises to gauge exactly when a patron is over the limit. The BAC is affected by the size, weight and sex of a person, as well as by the rate of consumption over a certain period of time and whether or not food is consumed with the alcohol. Secondly, the BAC of .08 per cent may be a suitable limit for driving, but is it appropriate for a patron who may be taking an elevator to a hotel room?

The Committee opted for impairment on the basis that signs of impairment should be visible to the server. If the server saw no such signs when the alcohol was served, he or she will be able to use that evidence in his or her defence in a liability action. Using impairment for purposes of the Act should not pose undue problems for the courts. Before the advent of the breathalyzer, the courts made judgments based on the visible signs of impairment as reported by police.

In the Committee's view, impairment includes the effects of drugs other than alcohol. If a server noticed that a patron was "high", the server would be obligated under the law to refuse to serve that patron. It should be irrelevant whether the patron is impaired by alcohol or another drug. In either case, it would be irresponsible to serve the patron.

By recommending changes in the liability section of the Act to make it fault-based, we hope to clarify liability and to reinforce the responsibility of commercial providers to ensure that they do not violate provisions of the Act which prohibit service to impaired (intoxicated in the current language of the Act) persons or persons under 19. When a suit arises, licensees would be able to introduce evidence in defence to show that servers have been trained to identify the signs of impairment and that the establishment has actively enforced the rules and regulations under the Act related to the protection of patrons and the safety of others. Evidence relating to a poor record would count against them.

A licensee could still be liable under the Ontario Occupiers' Liability Act for failing to ensure the safety of persons on the premises. The Committee sees no need to recommend special provisions in this area for providers of alcohol. The Occupiers' Liability Act, which came into force in 1980, appears to be comprehensive and clear. It takes a fault-based approach which is compatible with tort law; it adopts the principle of taking such care "as in all the circumstances of the case is reasonable" and makes it clear that this principle applies to dangers posed both by the condition of the premises and the activities permitted there. A fault-based test of negligence such as this is the approach we are proposing for the Liquor Licence Act.

The Committee also considered, but rejected, a number of other options on the liability issue.

It has been argued that there should be a limit set on the size of damage awards in cases of liability for the intoxicated. The Committee sees no need to set a financial limit on awards at this time. Any review of the principles of assessment of damages related to this kind of liability suit should be carried out by an agency conducting a review of general assessment of damages on all of tort law. We understand this is being done by the Ontario Law Reform Commission.

The Committee viewed the question of mandatory liability insurance for all licensed establishments in the same light. A review of this matter should also be carried out in the context of a broad-based review of the insurance industry, and such a review is underway.

The Committee has also looked at the issue of "joint and several liability". Where fault is apportioned among defendants, the plaintiff can enforce the entire judgment against any of the defendants, and the one who pays may then try to collect appropriate shares from his or her co-defendants. It has been proposed that alcohol providers should be exempt from the principle of joint and several liability. The Committee could see no obvious reason why this particular group should be exempt and we do not feel this matter should be resolved on an ad hoc basis. It should be examined in the broader context of the Ontario Negligence Act and all tort law.

Exemption from the principle of voluntary assumption of risk should also be studied in a broader context that is beyond the mandate of this Committee. The Committee cannot justify creating a special statutory exemption for alcohol providers when such an exemption does not exist for other categories of defendants. Such an exemption would be inconsistent with the common law principles as established by the courts. It would also be inconsistent with the protective goals of the Liquor Licence Act, goals which this Committee considers extremely important, in both the general public interest and the interests of patrons.

A proposal for special notice provisions for providers of alcohol in liability actions was rejected. While it may cause problems for licensees if an action is brought three or four years after the event, the Committee feels it would unduly restrict the rights of an injured party to require a shortened time span for service of a writ. For example, an injured party who wakes up in hospital may take considerable time to establish that the person who caused the injury was indeed drunk and had been served alcohol at a specific establishment prior to the accident.

In our recommendations, we have established a fault-based statutory cause of action for two specific offences -- over-service of alcohol and service to persons under 19. The Committee does not feel that the scope of civil liability should be expanded to include other violations of the Act. Many of those violations are financial or technical in nature, and would not likely pose any risk of physical harm to others. The Committee has concluded that, in the interests of having a law which is as clear and fair as possible, any exceptional cases could be dealt with under common law tort principles.

One of the difficult issues the Committee faced was whether or not to include social hosts, who provide beverage alcohol at a private party, in the statutory liability section of the Act.

While a case can be made for including all providers of alcohol under the new statutory provisions governing service to impaired persons or to someone under 19, the Committee was reluctant to reach the long arm of legislation further into the private homes of Ontario. The Committee has tried throughout this report to balance the need to promote moderation and responsibility in drinking habits and the importance of respecting individual rights and responsibilities. In that context, we have made a distinction in the rules which should govern a public and a private place.

There is also an important distinction between the person who is offering guests a drink at home and a commercial establishment which is serving alcohol to make money. There is presumably more incentive to the licensee to keep filling orders than there is to a social host to keep filling glasses.

Codifying the civil liability of social hosts in the Act is a step which the Committee cannot support. Because the current Act prohibits anyone from serving another person who is in, or apparently in, a state of intoxication, or who is underage, the courts may find social hosts liable now for over-service of alcohol or service to someone under 19. This issue should more properly be left to the courts and the common law to deal with on a case-by-case basis, to avoid placing this kind of statutory liability on social activity in a private place.

RECOMMENDATIONS:

The civil liability section (53) of the Liquor Licence Act, which applies to the sale of beverage alcohol, should be revoked and replaced with a section providing an exclusive statutory remedy for liability pertaining to over-service of alcohol and service to underage persons.

The new section should be fault-based, requiring that the alcohol provider be found to have knowingly or negligently served a person to impairment or served a person under the age of 19 years.

The new section should encompass death or injury to the alcohol consumer or third parties, and should cover all providers of beverage alcohol for sale, and all providers of alcohol in a public place.

The concept of intoxication in this and other sections of the Act should be replaced by the concept of impairment.

10. EDUCATION

Education is something everyone supports. Many groups which made submissions to this Committee suggested that education programs on the potential hazards of alcohol consumption would help reduce the adverse social and health consequences associated with drinking. Student representatives were among those who strongly advocated better education.

The Committee agrees that education, particularly of our young people, is important. However, we also believe that it is unfair to put too much pressure on the education system to solve society's problems. It takes more than a few programs in the schools to deal realistically with a serious social issue, and we must face that fact.

The Committee considered education in the context of two different target groups: licensees and beverage alcohol servers, and the public, including students.

(a) Licensees and Servers

There is a clear need for the training of licensees and servers concerning their obligations and duties under the Liquor Licence Act and regulations. Servers and licensees should also be knowledgeable about the effects of alcoholic beverages, how to recognize and prevent impairment, and how to manage impaired patrons.

The LLBO already offers a seminar on the responsibilities of licensees; the program was recently updated and improved. When a new licence is issued, or a licence is transferred, the LLBO requires attendance at the seminar by the licensee. Attendance at the course is ordered for owners and managers in cases where a licensee has experienced problems with the conduct of his establishment.

The LLBO and the Ministry of Consumer and Commercial Relations have also endorsed a training program for servers of beverage alcohol developed by the Addiction Research Foundation (ARF). It provides bartenders, waiters and waitresses with information on such topics as legal liability, the factors which affect blood-alochol levels, how to recognize the signs of impairment, and how to deal with a patron who has had too much to drink.

The hospitality industry is supportive of education programs for its members, and some of the large associations in the industry offer their own server training programs.

The Committee recommends that a training program be mandatory for all beverage alcohol servers working in Ontario. The LLBO should set the minimum standards, in consultation with the Addiction Research Foundation, on course content and method of delivery. The course could be offered by ARF, community colleges, or other agencies. Servers would be required to take the course as a condition of employment, and to obtain retraining periodically. The course should be mandatory for bartenders, waiters and waitresses working in licensed establishments.

There are probably more than 100,000 servers working in licensed establishments in the province. The Committee realizes that providing training for all of them will take time. However, we recommend that the programs be in place as soon as possible.

The Committee also recommends that the LLBO continue to be responsible for training of licensees, and that it expand its training seminar to include all licensees and their managers. There are 11,840 licensees in Ontario. Even if a licensee has been in business for many years, it should be helpful to attend a course which provides an update, for example, on civil liability issues -- a growing concern among licensees.

The Committee is not making any distinction in terms of training programs for different classes of licences. It is felt that the programs will be of benefit to all licensees and all servers. We also recommend that fees for the training courses administered by the LLBO be set on a cost-recovery basis.

The Committee heard complaints from licensees and some members of the public about lack of information that clearly explains LLBO operations and requirements under the Act and regulations. There are some licensees now, for example, who do not seem to be aware that they can set their own hours of operation, within the provincial limits, as long as they notify the LLBO and as long as they maintain the hours they have established.

The Board has taken some steps to make improvements in its delivery of information. It has expanded the content of its seminar for licensees, for example, and it is providing a new pamphlet explaining the rules for SOPs to help permit-holders to understand their responsibilities.

To continue and improve on these important activities, the Committee recommends that the LLBO have a specific allocation for communications in its budget so that it can provide an effective information service to licensees and the public about operational issues and requirements under the law.

(b) Public education

In terms of the broader context of public education, the Committee is concerned about general social attitudes to drinking and about encouraging the development of moderate and responsible practices among those who are just beginning to consume -- the young.

It takes time to change public attitudes, but one of the ways to influence change and the rate at which it takes place is through advertising. The Committee would like to see, for example, a continued reduction in public acceptance of drunkenness. We would also like to see drinking perceived as being ancillary to some other activity, rather than being the focus of activity. We believe that advertising is a powerful medium for promoting new attitudes.

In the chapter on Beverage Alcohol Advertising, the Committee recommends that all alcohol advertising be consistent with a philosophy of moderation and responsibility in consumption. At the same time, we recommend that beverage alcohol manufacturers contribute a significant proportion of their advertising and promotion expenditures to public service advertising to educate the public about the potential negative effects of alcohol consumption.

We are confident that these recommendations on advertising, if implemented, will contribute significantly to an evolution in public perception about alcohol toward a greater understanding of the need for moderation and responsibility.

We would also like to give some added impetus to alcohol education programs in Ontario. We are aware that there are already programs on alcohol education in some schools. While they have probably been of benefit to some students, the evidence of their effectiveness in changing teenage attitudes and behaviour is equivocal. The major difficulty seems to lie not in the course content but in ensuring that all students are exposed to an alcohol education program in the school curriculum. In any event, the impact of school education is heavily influenced by the attitudes and behaviour of adult role models.

The Committee recommends that a proportion of LCBO revenues be designated to provide significant additional funds for a continuing and effective alcohol education program. This program should have a particular emphasis on the youth of Ontario, but it need not be restricted to the school system or to any special age group.

In the last fiscal year, the LCBO turned over to the provincial treasury net revenues of $612 million from the sale of beverage alcohol in Ontario. Even a small portion of that amount, on an annual basis, would go a long way toward getting an effective, province-wide education program up and running.

In conclusion, the Committee would like to emphasize that while it strongly supports better alcohol education, it also recognizes that education is only one aspect of a larger solution.

RECOMMENDATIONS:

The LLBO should set minimum standards for a mandatory training program for all beverage alcohol servers working in Ontario and the Board should expand its training seminar for new licensees to include all licensees and managers.

A proportion of LCBO revenues should be designated to provide significant additional funds for a continuing and effective alcohol education program, which should give particular emphasis to the youth of Ontario.

The LLBO should provide an effective information service to licensees and the public, and have a specific budget for communications.

11. RELATED LCBO ISSUES

As part of its terms of reference, the Committee has been directed to consider related issues of the Liquor Control Board of Ontario. While the Committee does not wish to become immersed in operational matters of the LCBO, we feel that the role of the LCBO vis-a-vis the LLBO is relevant to this report.

The Committee believes that the LCBO and the LLBO have separate and distinct roles. The LCBO is the retailer of beverage alcohol in this province. The LCBO operates basically as a business. However, it is not a regular commercial enterprise because alcohol is a controlled substance, and the LCBO has the provincial mandate to distribute it. The LCBO does not have to compete; it does not advertise its products; and the mark-up and taxes are set by government.

The LLBO is the regulator of alcohol sales, particularly but not exclusively in licensed establishments. Its mandate is licensing; it licenses manufacturers as well as premises. It operates as a quasi-judicial body: it decides whether a potential licensee has met the requirements of the Act; it holds disciplinary hearings when a licensee fails to meet conditions of the licence or requirements of the Act or regulations.

Because both Boards deal with beverage alcohol, the Committee considered the possibility of merging the two. However, we believe that there is an underlying conflict of interest between the two mandates. That is not to say that the LCBO is in favour of alcohol consumption and the LLBO is against; but one markets the product, while the other acts as a watchdog.

There is another consideration militating against amalgamation, and that is the almost inevitable submersion on an operational level of the LLBO role in that of the LCBO. The Control Board is a huge $1.6 billion operation, with about 3,500 employees. The licensing function, with its 160 employees, would only be a small branch of that operation. The Committee believes that because of its regulatory role, it is important for the LLBO to maintain a public profile and not be submerged in the LCBO.

As part of that public profile, the Committee recommends that both bodies be renamed: the Alcohol Distribution Board of Ontario (now the LCBO) and the Alcohol Licensing Board of Ontario (now the LLBO). The Committee feels these names more accurately reflect the two functions. We suggest changing "liquor" to "beverage alcohol" in the Act and regulations because of the popular perception that liquor refers only to distilled spirits, and does not include other types of beverage alcohol, such as wine and beer.

The Committee would also like to ensure that while the two Boards remain separate, they reflect a consistent philosophy on beverage alcohol consumption. We have already recommended that, in principle, licensing regulations promote moderation and responsibility in the consumption of alcohol. The LCBO's policies should be consistent with the principle of moderation and responsibility, and, where possible, should actively promote it. The Committee feels such a policy direction is not incompatible with the LCBO's role as distributor.

Since the LCBO and the LLBO share responsibility for beverage alcohol in Ontario, there should be increased consultation and co-operation between the two Boards. There is already some staff and Board liaison, but the Committee recommends that consultation be on a formal, ongoing basis at the Board level.

The Committee believes there are certain steps that should be taken by the LCBO to reflect the philosophy of moderation and responsibility in alcohol consumption.

The Committee recommends that the LCBO be directed to stock de-alcoholized wine and beer. While these beverages are available in grocery stores, they tend to be perceived by consumers as an alternative to soda pop, rather than as an alternative to alcoholic beverages. Stocking them in the stores selling beverage alcohol would promote them as a non-alcoholic alternative to wine and beer.

The experience with these beverages in Norway is instructive. From 1945 to 1965, de-alcoholized products were only available in grocery stores. When they were introduced to beverage alcohol outlets in 1965, total sales jumped from 20,000 to 50,000 bottles in one year. Estimated sales this year are 500,000 bottles.

The Committee realizes there is pressure for shelf space in LCBO stores from a number of manufacturers and importers of beverage alcohol. However, we consider that providing de-alcoholized products would be a useful and beneficial service to consumers, in keeping with the philosophy of moderation and responsiblility in consumption of alcohol. The LCBO should also ensure that Brewers' Retail stores stock de-alcoholized beer.

The Committee recommends that any advertising in LCBO stores conform to advertising standards for manufacturers and licensees. In general, such advertising must be consistent with the principle of moderation and responsibility in consumption of beverage alcohol; there are also specific standards which are described in the chapter on Beverage Alcohol Advertising.

The Committee realizes, of course, that the LCBO already carries anti-drinking-driving messages on its paper bags and some other public service pamphlets. We simply wish to make the point that, to be effective, an advertising philosophy must be consistent across-the-board. Manufacturers and licensees, for example, should not be asked to abide by a policy which can be ignored by the LCBO.

We also recommend that the LCBO's network of stores be used to distribute educational material on the potential harmful effects of alcohol consumption, and that the LCBO also promote the consumption of food with alcohol. As we have noted previously, there is scientific evidence that consumption of food with alcohol slows the rise in a drinker's blood-alcohol level and lowers the peak. People who are eating also tend to drink more slowly.

The Committee has made several recommendations in this report relating to the regulatory framework of the LLBO and the necessity for clarity. In a similar vein, we propose that the policies of the LCBO be clearly written, in the form of a manual, so that they are readily understandable by and accessible to licensees and the public.

The Committee received a number of submissions, particularly from licensees, which raised issues concerning specific LCBO practices. While we do not feel such matters are related to the Committee's mandate, we do not want them to be ignored. Consequently, we have drawn them to the attention of the LCBO, and we are confident that they will be dealt with expeditiously.

Sale of beverage alcohol by licensees for home consumption was raised during the public consultations as an alternative to beer and wine in corner stores. In our view, sales for home consumption by licensees, who are experienced in alcohol service in their own establishments, or an expansion of the LCBO agency store system (the agency stores are found in Northern Ontario in regions where regular LCBO outlets are few and far between) are possible alternatives to beer and wine in the corner store. However, we have not studied the matter in detail, and do not intend to make a specific recommendation. Because we have heard concerns related to availability and accessibility in the purchase of beverage alcohol, particularly in more remote communities around the province, we suggest that the government take action in this regard.

RECOMMENDATIONS:

The LCBO should carry out its mandate in a manner consistent with the philosophy of moderation and responsibility in the consumption of beverage alcohol, and that wherever possible, the Board actively promote that philosophy.

There should be formal, ongoing consultations between the LLBO and the LCBO.

The LLBO should be re-named The Alcohol Licensing Board of Ontario and the LCBO, The Alcohol Distribution Board of Ontario.

LCBO policies should be clearly written in the form of a manual and readily understandable by, and accessible to, licensees and the public.

The LCBO should stock de-alcoholized beer and wine in its stores and ensure that Brewers' Retail stock de-alcoholized beer.

Advertising in LCBO stores should conform to the same rules that apply to manufacturers and licensees.

The LCBO should distribute educational materials on the potential harmful effects of alcohol consumption, and the LCBO should also promote the consumption of food with alcohol.

III. CONCLUSION

The Committee is confident that its findings will form the basis for a thorough and reasonable reform of beverage alcohol laws in Ontario. We did not have a mandate to examine every detail of liquor regulation. However, we have elucidated what we believe to be important guiding principles for the Act and regulations, particularly in terms of striking a balance between protection of the public and respect for individual rights and freedoms. We have made a number of recommendations for new policies to update rules governing alcohol, while maintaining essential controls over this potentially harmful drug.

The Committee views its report as a package of reforms which, taken together, reflect the times in which we live and the need to promote moderation and responsibility in the use of beverage alcohol. We propose that all changes be monitored to assess their impact on public attitudes, consumption habits and the hospitality and beverage alcohol industries.

The LLBO should be given sufficient funds and adequate staff to be properly equipped to carry out vigorous enforcement of the rules. In general, we believe that fees charged under alcohol regulation should be sufficient for cost recovery, including administration, inspection and enforcement.

We have attempted throughout our deliberations to ensure that the changes we recommend are fair and equitable. We trust that our report will be judged in like fashion.

APPENDIX 1

RECOMMENDATIONS

1. GENERAL VALUES AND PRINCIPLES

The Liquor Licence Board of Ontario (LLBO) should have a broader social perspective and should use its licensing authority to pursue the goals of moderation and responsibility related to the service and consumption of beverage alcohol. This philosophy should be reflected in all government policy related to beverage alcohol.

All types of beverage alcohol should be treated in the same manner in the Act and regulations.

The Liquor Licence Act should be clarified to indicate that the authority of the LLBO to consider the "needs and wishes of the public in the municipality in which the premises is located" concerns only matters directly related to the service of beverage alcohol and not to matters of municipal approval or zoning.

The LLBO should retain its authority to convene hearings to inquire into the conduct of a licensed establishment as it relates to the service of beverage alcohol, in regard to the general public interest.

Regulations under the Liquor Licence Act pertaining to possible limitations on the number of licensees in an area or district should be repealed, such matters being municipal in nature.

The LLBO should have the authority to inquire into the past conduct of anyone having a direct or indirect ownership, management or directorial interest in a licensed establishment, for the purposes of ascertaining the integrity and honesty of that person.

Interdiction orders should be abolished.

2. LICENSING

The existing system of licence classifications should be replaced with the following:

> An "A" licence for restaurants which must maintain minimum food sales of 55 per cent of total receipts. The ratio should be reviewed periodically.
>
> A "B" licence for beverage alcohol service with food available sufficient for a light meal.
>
> A "C" licence to be available to unlicensed or licensed establishments to allow patrons to bring their own beverage alcohol. The establishment must be a restaurant with a full menu; a corkage fee should be charged on the alcohol, and provincial sales tax should be charged on the fee. The licensee must be responsible for service of the alcohol.
>
> A "D" licence for beverage alcohol delivery services, to be issued by the LLBO.
>
> An "E" licence to manufacture beverage alcohol products to be available to brew pubs as well as other manufacturers. Holders of a manufacturers' licence should also be eligible for an "A" or "B" licence for their manufacturing premises.

The regulations should state that only a premises which has as its function the service of food and beverage alcohol may qualify for an "A" or a "B" licence.

Clubs should be eligible for a regular licence, under the same eligibility rules as other licensees, and they should be entitled to decide on their own clientele.

The regulations should no longer specify which type of licence may or may not admit persons under the legal drinking age. Instead, the LLBO may prohibit persons under the drinking age as a condition of the licence of a particular establishment, and a licensee may also decide not to admit such persons.

The LLBO should be given the authority to transfer a licence temporarily to a landlord, security-holder or franchisor in possession.

During the transition period for the new licence classification system, existing licences should be "grandfathered" until they come up for renewal or such time as the licensee makes application for a new type of licence, whichever comes first.

In municipalities where, by municipal option, only certain classes of licensed establishment or types of beverage alcohol are now allowed, the municipality should be given a reasonable period of time to hold a vote to ascertain whether the local community wishes to have all classes of licence or none. If the deadline passes without a vote being held, the municipality should be declared "wet".

The following detailed premises rules should be eliminated:

- Restrictions on the types of recreational facilities which may be eligible for a certain type of licence.
- The requirement that a recreational facility must make members of the public pay an admission fee to be eligible for a general beverage alcohol licence.
- The requirement that resorts only be allowed to serve beverage alcohol to registered guests.
- The minimum bedroom requirements for hotels.
- The exclusion of motels from the definition of hotels. Hotels should also be allowed to contract out food and beverage service to a licensee located within the complex.
- Restrictions on licensing of convention centres which are not municipally-owned.
- The restriction on the definition of aircraft to transcontinental carriers. Permitted hours of service within Ontario for commercial air carriers should be the same as licensees on the ground.

Licensed patios should no longer require a special class of licence, and they should no longer have to be adjacent to a licensed establishment.

The four stadiums which have special stadium licences should be eligible for a "B" licence, and should be required to designate specific drinking areas in the stands. Supervision by stadium personnel of drinking in the stands should be improved to ensure that patrons are not served to the point of impairment and there is no consumption by underage persons, and that public order is maintained. Service of alcohol at seats in the designated areas should be allowed. Non-drinking areas should be sufficiently large to give non-drinking patrons a reasonable choice of seats in various price ranges.

Other stadiums, arenas, racetracks and other similar facilities for sporting events should also be eligible for a "B" licence, if they have municipal approval. Drinking should only be allowed in a designated area, with patrons properly supervised by trained servers; patrons may be served at their seats. Non-drinking areas should be large enough to give non-drinking patrons a reasonable choice of seats in various price ranges.

Passengers on a railway train should be allowed to take beverage alcohol to their seats, rather than remaining in the bar car, and railway personnel should be responsible for providing adequate supervision.

Consumption of alcohol on ships should only be permitted under the following conditions:

A) The vessel is a commercial freight-carrying ship which has a crew living on board; or

B) The vessel is capable of being used as a residence and contains sleeping quarters, kitchen and bathroom facilities, and is not under way; or

C) The vessel is licensed by the LLBO; to be eligible for licensing it must be certified by the federal department of Transport, which has specifications for vessel safety, passenger capacity, numbers and qualifications of crew, waters in which the vessel may operate etc.

Current restrictions on licences for theatres should be removed, making theatres eligible for a "B" licence to serve beverage alcohol, with food available.

3. SPECIAL OCCASION PERMITS

An SOP should not be required for a no-sale event in a private place when there is no sale of beverage alcohol directly or indirectly, the event is for invited guests only, and there is no public solicitation.

A private place should be defined as a place not ordinarily open to the public and not open to the public at the time of the event; it should not include a privately-owned premises which is available to be rented or leased by a member of the public for occasional use.

No-sale events in a public place should require an SOP or service by a licensee.

A licensee should be able to obtain an endorsement on his or her licence permitting service of alcohol at other locations which meet LLBO criteria.

Ongoing, regularly-scheduled events should be held under a regular LLBO licence and SOPs should no longer be issued for such events.

Social events at which alcohol is sold may be held in a licensed establishment or may be served by a licensee who has an endorsement, but should no longer be eligible for an SOP.

Wedding receptions at which beverage alcohol is sold should continue to be eligible for an SOP.

Approved organizations raising funds for charitable, educational and community service purposes should continue to be eligible for an SOP if they wish to serve alcohol themselves. A fund-raising organization should have tax exempt status with Revenue Canada or be verified as a bona fide qualified organization by the relevant municipal authority.

If the funds to be raised are designated for a charity other than the organization which is hosting the event, the recipient organization should be required to send a letter to the LLBO verifying that it supports the holding of the event. After the event takes place, the recipient organization should be required to verify in writing that it received the funds.

Organizers of community festivals should continue to be eligible for an SOP if they wish to serve alcohol themselves, and existing conditions for a community festival, such as notification of health and police authorities and the requirement for municipal approval, should be retained.

Outdoor events should not be restricted to public parks, but should be allowed in privately-owned locations subject to municipal approval.

4. DAYS AND HOURS OF OPERATION

The maximum hours of sale and service of alcohol in all licensed establishments should be 10 a.m. to 2 a.m. daily.

Establishments with a Class "B" licence should be required to remain open one hour after cessation of service of alcohol, or until the last patron has left the premises, whichever comes first, to serve non-alcoholic beverages and food.

Hotels should be authorized to provide 24-hour service of beverage alcohol to guests' rooms and in a designated residents' lounge in the hotel on a floor not readily accessible to the public. Service in the residents' lounge should be restricted to registered guests of the hotel.

The Liquor Licence Board should be given specific authority to exempt exceptional events of provincial, national, or international significance from regulations governing hours of service of alcohol, such exceptions to be approved by Board order on a case-by-case basis.

5. THE LEGAL DRINKING AGE

The legal drinking age should remain at age 19.

The Minister of Transportation and Communications should be requested to create a special offence under the Highway Traffic Act to apply to the probationary driver who registers a reading in a breathalyzer test of over .015 per cent Blood-Alcohol Concentration. The penalty on conviction should be a 30-day licence suspension and six demerit points.

The Chief Judge of the Provincial Court (Criminal Division) should be requested to increase the $53 set fine for underage drinking, and law enforcement officers should be encouraged to proceed by summons on charges of drinking underage to require a court appearance by the accused.

A new offence should be created under the Liquor Licence Act for any licensee knowingly permitting consumption of beverage alcohol by a person under the legal drinking age.

6. BEVERAGE ALCOHOL ADVERTISING

All types of beverage alcohol and all advertising media should be subject to the same standards.

All beverage alcohol advertising should be required to be consistent with a philosophy of moderation and responsibility in the consumption of alcohol.

Within the general context of moderation and responsibility, all beverage alcohol advertising should be required to adhere to the following specific standards such that no advertising:

- appeal, directly or indirectly, to persons under the legal drinking age;
- appeal, directly or indirectly, to non-drinkers;
- associates drinking with operating a motor vehicle or with any other activity which involves care and skill or elements of physical danger;
- imply that consumption of beverage alcohol contributes to personal or social success;
- appear to reinforce behaviour which can lead to adverse health or social consequences.

All beverage alcohol manufacturers should be required to dedicate a significant proportion of their advertising and promotion expenditures to public service advertising to educate the public about the potential hazards of alcohol consumption.

The new rules for beverage alcohol advertising should be referenced in the regulations or should be in regulatory form.

Beverage alcohol advertising should be pre-cleared by the Liquor Licence Board.

Advertising by licensees should be required to meet the same standards prescribed for all beverage alcohol advertising.

7. ADULT ENTERTAINMENT

No action should be taken to regulate adult entertainment through the Liquor Licence Act.

8. INDUCEMENTS AND PROMOTIONS

Regulations concerning inducements should apply to all beverage alcohol manaufacturers, wherever located, whose products are sold or promoted in Ontario, including their distributors, agents, and related persons.

Inducements by beverage alcohol manufacturers or their agents should be prohibited and the regulations should be clarified and strengthened to enforce that prohibition.

A clear definition of an inducement should be included in the regulations to indicate that it is an act by a manufacturer or its agent which is intended to persuade a licensee to order more of that manufacturer's product to the partial or total exclusion of other manufacturers' products.

A separate section in the regulations should set out sanctions for offering or providing an inducement and requesting or receiving one, and this section should be sufficiently flexible to allow for innovative penalties for this particular offence.

The authority of the Liquor Licence Board to audit the accounts of beverage alcohol manufacturers and agents with respect to their Ontario operations for the purpose of controlling inducements should be broadened.

All agents of all beverage alcohol manufacturers who sell their products in Ontario should be licensed by the LLBO and their activities should be regulated under the Act.

Promotions should be defined clearly in the regulations to indicate they must be materials or activities directed at the consumer and not the licensee.

A financial cap should be placed on the amount of promotional materials that can be given to or received by a licensee, based on the number of seats in the establishment, up to a total financial limit per licensee per year. The financial limit must include any beverage alcohol provided directly or indirectly by the manufacturer or agent to patrons of a licensee on a licensed premises; the cost of the product must include beverage alcohol taxes to reflect the full value of the gift.

Trade sampling by beverage alcohol manufacturers not held in a licensed establishment should be subject to the following conditions: the event may only take place in a controlled setting; the manufacturer must offer the product directly to the consumer; it must promote moderation in consumption of beverage alcohol; and food must be available at the event.

All trade samples used for promotional purposes should be purchased at full LCBO retail price, including tax and mark-up.

9. CIVIL LIABILITY

The civil liability section (53) of the Liquor Licence Act, which applies to the sale of beverage alcohol, should be revoked and replaced with a section providing an exclusive statutory remedy for liability pertaining to over-service of alcohol and service to underage persons.

The new section should be fault-based, requiring that the alcohol provider be found to have knowingly or negligently served a person to impairment or served a person under the age of 19 years.

The new section should encompass death or injury to the alcohol consumer or third parties, and should cover all providers of beverage alcohol for sale, and all providers of alcohol in a public place.

The concept of intoxication in this and other sections of the Act should be replaced by the concept of impairment.

10. EDUCATION

The LLBO should set minimum standards for a mandatory training program for all beverage alcohol servers working in Ontario and the Board should expand its training seminar for new licensees to include all licensees and managers.

A proportion of LCBO revenues should be designated to provide significant additional funds for a continuing and effective alcohol education program, which should give particular emphasis to the youth of Ontario.

The LLBO should provide an effective information service to licensees and the public, and have a specific budget for communications.

11. RELATED LCBO ISSUES

The LCBO should carry out its mandate in a manner consistent with the philosophy of moderation and responsibility in the consumption of beverage alcohol, and that wherever possible, the Board actively promote that philosophy.

There should be formal, ongoing consultations between the LLBO and the LCBO.

The LLBO should be re-named The Alcohol Licensing Board of Ontario and the LCBO, The Alcohol Distribution Board of Ontario.

LCBO policies should be clearly written in the form of a manual and readily understandable by, and accessible to, licensees and the public.

The LCBO should stock de-alcoholized beer and wine in its stores and ensure that Brewers' Retail stock de-alcoholized beer.

Advertising in LCBO stores should conform to the same rules that apply to manufacturers and licensees.

The LCBO should distribute educational materials on the potential harmful effects of alcohol consumption, and the LCBO should also promote the consumption of food with alcohol.

APPENDIX 2

LIST OF CONTRIBUTORS

Oral and Written Presentations to the Ontario Advisory Committee on Liquor Regulation

Barrie

Alcohol & Drug Concerns Inc.
Army, Navy and Air Force Veterans in Canada - Barrie Unit 365
BACCHUS - Boost Alcohol Consciousness Concerning the Health of University Students
Blue Mountain Resorts, Ltd.
City of Orillia
Corporation of the Town of Huntsville
Fern Resort
Freddy's Restaurant
Huronia Golf Association
Lake Simcoe Hotel
Mayor's Committee On Drinking & Driving Countermeasures
McCann, Mr.
Muskoka Flag Inn
Nino's Italian Rest. & Pizzeria
Orangeville Raceway Inc.
Palmer, John
Panzica, Mr.
Pow-Wow Point Lodge Co. Ltd.
Royal Canadian Legion, Br. 232
Spike & Spoon
Sundial Inn
Village Inn
Wells, Peter

Cornwall

Bush, Lorne C.
Cornwall District Navy Veterans Assn.
Glendale Hotel
Hotel Chesterville
Hotel, Restaurant and Tavern Keepers - United Counties of Stormount, Dundas & Glengarry
La Maison Tavern
Lanthier, Marcel
Lebrun, Jean-Claude
McIntosh, Mrs. R.
New Centennial Restaurant and Jiggers Restaurant Inc.
Prescott-Russell Coordinating & Advisory Group for Children & Family Services
Royal Canadian Legion Br. 357
St. Columban's Parish Centre
Smith, Kristen

Hamilton

Agro, John (Counsel to Canadian Football League Players' Assoc.)
Andoff, Michael
Amstel Brewery Canada Limited
Army, Navy and Air Force Veterans in Canada
Bagshaw, Doug
Baytides Cafe
Belliveau, Harvey
Borins, Mr. S.
Boz's Place
Brant Hills Presbyterian Church
Brown, Albert
Burlington Alliance Church
Calvary Baptist Church
Canadian Independent Small Breweries Association
Cayuga Speedway
Cernick, John
Commonwealth Holiday Inns
Corporation of the City of Brantford
DeJong, W.
Don Cherry's Restaurant
Dundas Little Theatre Inc.
Exchange Tavern
Explorer Inn Motel Hotel
Fisherville & Dist. Lions Club
Fletcher, D.
Fowler, June E.
Frobisher Inn
Halton Board of Education
Hamilton Automobile Club
Hamilton Beach Rescue Unit Assoc.
Hamilton Veterans Service League
Hashemi, Seid
Holiday Inn
Hope Haven Homes Inc.
Innisville Hotel
International Racquet Sports Assoc.
Irish Canadian Club of Hamilton
Kelsey's Restaurants
Macassa Bay
McMaster Students Union Inc.
Mellows
Mohawk College Students' Council
Mother's Restaurants Limited
Mountain Village Ventures
Ontario Grape Growers' Marketing Board

Ontario Public Health Association
Prestige Athletic Club
R. Denninger Ltd.
Roberts, William
Royal Canadian Legion Br. 60,
Russell, Ken
Second Choice Restaurant
Spiffy's Restaurant
Sun Tan Motel & Restaurant
Visca's Tavern Ltd.
Watson, Andrea
Wilson, Mike
Wysocki, Ted
Yessac Creative Foods Inc.

Kapuskasing

ACFO - Association canadienne francaise de l'ontario
Albert Hotel
Arc-En-Ciel Centre de Rehabilitation
Commercial Hotel
Corporation of the Town of Kapuskasing
Corporation of the Town of Kirkland Lake
District of Cochrane Hotel Assoc.
Kapuskasing Junior High School Student Council
La Ronde Francophone Club
North Cochrane Addiction Services Inc.
Northeastern Ontario Municipal Association
Val Rita Harty Township

Kenora

Bayview Hotel
Country Tavern
Dutchie's Ltd.
Howey Bay Motel Ltd.
Inn of the Woods
Kee-West Motel & Restaurant Ltd.
Kenora Community Legal Clinic
Lake of the Woods Hotel Ltd.
Lakeshore Hotel
Mayor of Kenora
Minaki Lodge
Red Indian Lodge, Ltd.
St. Clair College
Town of Fort Frances
Welcome Inn Hotel Ltd.
Williams, B.

Kingston

Adams, A.
Alcohol & Drug Concerns
Barin, Janet
Bezaire, Renee
Cook, Leslie
Cooper, Mark
Corneil, Tom
Corporation of the City of Kingston (Parks & Rec.)
Crystal Tavern
Danby, F. William
Deano, Julie
Dennce, Sherry
Docter's Hotel
Enrico's Restaurant
Fera, Annalea
Foley, Tim
Fox, Robyn
Freeman, E. Jean
Frosty Muggins
Hawkey, Stephanie
Hilliker, Mike
Hodges, Penny
Holmes, Mary
Horwat, S. Heidi
Hubbard, Peter
International Tavern
Kashikyrini, Tony
Kasmatos, George
Kaye, Chris
Kingston Police Force
Lawton, Mark
Lighthouse Restaurant
Manning, Glenda Dawn
Margesson, L.J.
Mavritsakis, Hellen
Meeks, Bessie
Molaro, Maria
Morris, Rev. W.D.F.
Mortensen, Anne
Mott, Gordon J.
Musclow, Carrie
Ontario Hotel & Motel Assn., Zone 16
Peloquin, Ghislaine
Peloquin, Nathalie
Plaza Hotel
Portsmouth Tavern
Prince George Hotel
Queen's Hotel
Queen's University - Alma Mater Society

Queen's University - Graduate Student Society
Rauliuk, Margaret
Rosidy, Dan
Royal Canadian Legion Br. 509
Royal Hotel
Sharp, Eric
Shea, Cathy
Sly, Amy
Smith, Mike
Someplace(s) Different Limited
Speedy Marshall Enterprizes
St. Lawrence College
Summer Pantry in the Courtyard Restaurant
Tarika, Eona Tara
Tancredi, Crystal
Turner, Anna
Vemb, Mary
Vemb, Melanie
Vettkeer, John
Walmsley, R.L.

Kitchener

Bell, John Ambrose
Bentley's Inn Restaurant
Bordeleau, Andre
Centre in the Square
Colonel John McCrae Memorial
Columbia Racquet & Fitness Club
Concordia Club
Conestoga College of Applied Arts & Technology - Doon Student Association
Co-operative Council of German-Canadian Clubs
Corporation of the Township of Norfolk
Diplomat Hotel
Elms, Henry
Forest Heights Collegiate
Forest Hill Video
German Canadian Club Guelph Inc.
Ghent, Harold
Gilliland, Jim
Glenview Park Secondary School
Hotel Waterloo
Jay's Restaurant
Jutzi, Rufus
Krebs Restaurants
Linwood Restaurant & Tavern
McMurray, Steve, Representative for the Village of Blair
O.A.C.P.
O.H.M.A.
Olde Heidelberg Restaurant
Ontario P. C. Youth Assoc.
Perth Addiction Assessment Centre
Presto Lanes
Regional Municipality of Waterloo
Royal Canadian Legion Br. 259
Royal Canadian Legion Br. 518
Royal Canadian Legion Br. 234
Royal City Squash Club
South Waterloo Naval Veterans' Assoc.
Spantz, Irvine
Stratford and Area Visitors' and Convention Bureau
Stratford Festival
Sun Room Restaurant
University of Guelph, Central Student Assoc.
University of Waterloo Federation of Students
University of Waterloo Graduate Student Assoc.
Waterloo Inn & Catering Service
Waterlot, The
Wellington County Brewery Limited
White, R. & G.
Sir Wilfrid Laurier University Students Union
Sir Wilfrid Laurier University Graduate Students Assoc.

London

B.B.Q. Pit Restaurant
Brister, Hilda
Campbell Street Station Ltd.
Carling Heights Ratepayers Assoc.
China Doll Restaurant
Collins, M.
Corner Stage Dinner Theatre
Corporation of the City of London
Corporation of the City of St. Thomas
Courtland & District Lion's Club
Dearness Home for Senior Citizens
Delhi Belgian Club Ltd.
Don Giovanni Limited
Echo Valley Golf Course
Facker, Bob

Fanshawe College Student Union
German Canadian Club of London
Grand Central Tavern
Hi-Way Bowl
Homophile Assoc. of London Ontario
Ilderton Curling Club
King's College
Lambton College Students' Admin. Council
London Drinking & Driving Countermeasures Committee
Magee, W.J.
Marie's Place
McQueen, Mark
Mercer, Jennifer
Midtown Tavern
Midtown U Store Ltd.
Mount Elgin Golf Course
Murray, Gary
Nun, R.
Oxford County - Driving Under the Influence (DUTI) Committee
Perrie, Marie E.
Point After Hotel
Pugsley, Clara & Bob
Rakeby, Michael
Royal Canadian Legion Br. 62
Royal Canadian Legion Br. 119
Royal Canadian Legion Br. 367
Sam's Hotel
Sanders on the Beach
Scidmore, J.
Smith, Susan
Spratt, L. D.
Stevenson, L.
Taxandria Community Centre
United Church of Canada - London Conference
University of Western Ontario Faculty of Law
University of Western Ontario P.C. Association
University of Western Ontario Society of Graduate Students
University of Western Ontario Students' Council
Wrights Send-a-Basket

Niagara Falls

Atlas Hotel
B'Nai Brith Canada - Dist. No. 22
Brock University Students' Union
Canadian Automobile Assn., Niagara
Charlie's Roadhouse
City Tavern
Clendening, D.
Clement, H. &. M.
Corporation of the Town of Niagara on-the-Lake
Dwyer, Paul
Fitzpatrick, Robert
Fort Erie Hotel Association
Grapeview Free Methodist Church
Greater Niagara Hotel & Motel Assoc., District 7
Hillebrand Estates Winery
J.J. Stadler Restaurant
Jones, Thomas
Lion's Club
Loyal Order of Moose
McCall, Leigh
Niagara Falls Union Centre
Niagara Tavern
Ontario Grape Growers' Marketing Board
Order of Sons of Italy of Ontario - Club Italia Lodge #5
Park, G.R.
Popovich, Ivan
Ramada Hotel
Royal Canadian Legion Br. 4
Royal Canadian Legion Br. 17
Royal Canadian Legion Br. 51
Royal Canadian Legion Br. 124
Royal Canadian Legion Br. 230
Royal Canadian Legion Br. 350
Royal Canadian Legion Br. 396
Royal Canadian Legion Br. 418
Royal Canadian Legion Br. 479
Ryan's Eatery & Dance Tavern
St. Andrew's United Church
Shaw Festival
Skylon Tower
Star Hotel
Swart, M. (MPP, Welland-Thorold)
Temple Club
Western Tavern

North Bay

Bavarian Inn Limited
Bodener, Jerry
Brown, Kenneth
Canadore College

Caswell Resort & Motor Inn
Corporation of the City of North Bay
Corporation of the Town of Kirkland Lake
Eagle Lake Golf & Country Club
Haileybury School of Mines Students' Admin Council
Kitchener Motor Inn
Leach, Paul
Nipissing University College Student Union
North Bank Tavern
North Bay Golden Age Club
North Bay Granite Club
OMHA
Peking Restaurant
Royal Canadian Legion Br. 44
Royal Canadian Legion Br. 87
Rumour's Bar & Kirkland Lake Golf Club
South River Presbyterian United Church
Schaffer, Jason
Stanley Hotel

Ottawa

Algonquin College Students' Assn.
Amos, Garech
Arnprior Curling Club Inc.
Association of Canadian Distillers/ Distillers Council of Ontario
Balmoral Hotel
Barrymore's
Calabogie Peaks
CAMRA Canada Brewers Co-op Inc.
Canadian Automobile Assn.
Canadian Booksellers Assn.
Carleton University Campus Alcohol Policy & Education Committee
Carleton University Students' Assoc.
Chimo Inns
Ciccio Cafe
Coburn, Rick
Coogan, Grace
Davis Hotel Company Ltd.
Food for Thought Books
Fraser, Kerri
Friday's Roast Beef House
Gateway Motor Inn
Gombac, B.
Gourmex Expositions Intl.; Wine Shows
Granite Curling Club of West Ottawa, Inc.
Kidney, Greg
Kretzel, William
La Canadienne Tavern
Leone Ristorante
MacKenzie, Hanzel & Donald
MacKinnon, Jamie
McDonald, Lynn
National Defence Headquarters
Normandie Motor Hotel
Ottawa Granite Curling Club
Owl Rafting Inc.
Prime Crime Books
Randa Food Systems Co. Ltd.
Regional Municipality of Ottawa-Carleton
Rideau Carleton Raceway
Royal Oak Restaurant
Saxton, I.
Stoney Monday's Tavern
Struthers, R.J.
Tacitus, Marcel
Tramps
University of Ottawa Student Federation
University of Ottawa-Rector
Wendt, P.
Westin Hotel
Windsong Lodge Hotel
Yesterday's Restaurant and Parlour
Zito, Joe

Owen Sound

Agnew, Joan
Black, Rita
City of Owen Sound
Commercial Tavern
Fairweather, Wayman
Gibbons, Ross
Grey, Bruce, Wellington & Huron Hotel & Motel Association
Harbour Inn
Hartley House
Hilsden, Larry
James, Carla
Keukenhof Dining Room
McFaul, Mr.
McGill, Stewart
Merriam, Jim
Nowak's Brewing & Winemaking Supplies

Oliver, Edward
Pacific Hotel
Poplar Grove Golf Club
Prentice, John
Spike & Spoon
Stevenson, David
Talisman Mountain Resort
Village Tavern
Walkerton Golf & Country Club
Watra Resort Ltd.
Wiarton Echo Publishing Ltd.
Wilcox, Bertha

Peterborough

Accommodation Motel Ontario Assn.
Applefest Lodge
Bennet, Ross
Cottage Restaurant & Tavern
Four Counties Addiction Services Team, Inc.
Gordon, William
Goreski, Phil
Jones, T.K.
My Sister's Place
Northbrook Hotel Ltd.
Oakwood & District Community Centre/Little Britain Community Centre
Outdoor Advertising Assn. of Canada
PAID - Peterborough Against Impaired Driving
Peterborough Naval Assn.
Pig's Ear Tavern
Red Dog Tavern
Rockliffe Tavern
Royal Canadian Legion Br. 67
Royal Canadian Legion Br. 363
Royal Canadian Legion Br. 497
Sherwood Forest Inn
Township of Fenelon
Trent University Student Union
Trent Valley Lanes
Trussler, Brian
Walmsley, Ramon L.
Woodville & District Lion's Club

Sault Ste. Marie

Algoma & District Hotel Assocn.
Beaver Hotel
Canadian Motor Hotel
Corporation of the City of Sault Ste. Marie
Corporation of the City of Sault Ste. Marie Fire Dept.
Manitouwadge Motor Hotel
Royal Canadian Naval Assn.
Sault Ste. Marie Hotel Assn.
Snapper's Deli Restaurant
Wawa First United Church Women
Wilderness Lodge
Wildman, C.T. (MPP, Algoma)
Windsor Park

Sudbury

City of Sudbury
Country Side Motor Inn
Estaire Motor Hotel
Falcon Hotel
Larry's Tavern & Hotel
Laurentian University Students' Assoc.
Lively Golf & Country Club
Maria's Cozy Corner Restaurant
Martel, Elie (MPP, Sudbury E.)
Onaping Falls Curling Club
Regional Municipality of Sudbury
Rockgarden Terrace Resort
Royal Canadian Legion Br. 76
Russell, Steven
Sleaver, Rick
Spreng, Hermina
Sweet, Mr.
Sudbury Hotel/Motel Assn.
Woodland Tavern

Thunder Bay

Anglican Catholic Church of Canada
City of Thunder Bay Police Force
Confederation College Students Union
Lakehead University Student Union
Lakehead University Graduate Student Assoc.
McLaren, E.
Milne, Susan
Ontario Native Women's Assn.
Paradis, Elizabeth
Port Arthur Labour Assn.
Royal Canadian Legion Br. 6.

Thunder Bay Community Auditorium

Windsor

Bird, Mildred
Baily, Normand
Brookview Country Club
California's Musical Roadhouse
Charly's Tavern
Children's Services Council Windsor/Essex County
Concerned Citizens for Morality
Corporation of the City of Windsor
D'Bella, Pino
Essex County Hotel & Motel Assn.
Essex County Singles Club
Greater Windsor Hotel Assoc.
Laporte, Mr.
Ontario Rest. & Foodservices Assoc. of Windsor, Essex County & Chatham
Ontario Hotel & Motel Assoc.
Metro Windsor Essex County Health Unit
Pine Grove Farms
Polonia Centre
Roseland Municipal Golf & Country Club
St. Clair College Student Representative Council
Setler, Richard
Storey, Bobbie
University of Windsor Graduate Students' Society
University of Windsor Student Services
Windsor & District Hungarian Society
Windsor Raceway Inc.
Wyandotte Tavern

Toronto

Addiction Research Foundation
Adfilms Limited
Alexander Dunn (N.A.) Inc.
Alisons Restaurant Inc.
Alliance for Children
Amstel Brewery Canada Ltd.
Andoff, Michael
Association of Canadian Advertisers Inc.
Association of Community Centres
Association of Municipalities of Ontario
Association of Parent Support Groups
Associazione Nazionale Combattenti e Reduci
Atkinson College Students' Association
BACCHUS (Ryerson P.I.)
Bermuda Tavern Limited
Blazing Entertainment
Blue Door Seafood
B'Nai Brith Canada
Borins, Mr.
Bowlerama Limited
Bowling Proprietors' Assn. of Ontario
Branko's Restaurant and Tavern
Brass Rail Tavern
Brewers Association of Canada
Brewers of Ontario
Brown, Robert
Bryden, Marion (MPP, Beaches-Woodbine)
Buchanan, Hamish R.
Cameron Public House
Canadian Amateur Brewers' Assoc.
Canadian Automobile Assoc.
Canadian Booksellers Assoc.
Canadian Corps Assoc.
Canadian Restaurant & Foodservices Associations
Canadian Wine Institute
Carl Jung Sales Inc.
Carling O'Keefe
Carling O'Keefe Project Live Audience
Carrying Place Golf & Country Club Ltd.
Centennial College of Applied Arts and Technology
Christie, Saccucci, Matthews & Caskie
Chrysalis Restaurant Enterprises Inc.
CIPRA (Canadian Independent Record Production Assoc.)
City of Brampton Community (Recreation & Programming Dept.)
Committee for National Development of Guyana
Connell, Joseph H.
Consumers' Association of Canada

Cornish, A.J.
Corporation of the City of Brantford (Rec. Dept.)
Corporation of the City of Oakville
Corporation of the City of Toronto
Corporation of the Township of Norfolk
Courval, Jacqueline
Crispins Restaurant/Selby Hotel
Cummer Lodge Home for the Aged
Dawling, Wilbair
Del Genio, Robert J.
Diplomat Tavern
Disero, Betty - Alderman Ward 3
Dowling, William
East Toronto Chinese Chamber of Commerce
Epicure Cafe
Erickson, Jeanne W.
Fitness Institute, The
519 Church Street Community Centre
Flis, Edward T.
Fran's Restaurants
Fraser, Victoria
George Brown College
Granite Curling Club of West Toronto
Grover Exchange
Halpern Enterprises
Hamburger, Joseph
Harbourfront Corporation
Hassanali, A.
Henderson, Jim (MPP, Humber)
Hill, Tony
Holiday Inn
Horseshoe Tavern
House of Lancaster
Hudson's Bay Company
Hunnies, Martin
Imperial Tavern
Independent Ont. Wine & Spirits Merchants
Institute for Environment Studies (U of T)
Insurance Bureau of Canada
International Beverage Dispensers' & Bartenders' Union
Islamic Centre of Toronto
Italian War Veterans Assn.
Jack Russell (The)
Jackson, Johannah
James, Herbert
Johnston, K.
Junction Business & Prof. Assoc.
Kew Beach Residents' Assn.
King Ranch Health Spa & Fitness Resort
Knevel, A.
Knights of Columbus
Kwok, Marie
Lanty, Lavina
Lesk, Andrew
Lew, B.
Lewis, G.
L'hardy & Quenelles
Lozej, Lavinia
Lye, Nancy
Maloney, Peter
Manning, James
Mariposa Cruises Ltd.
Market Square, Condominium Corp.
Marks & Spencer Canada Inc.
Mason, D.
Matsumoto, Mark
Maxwell's Mix Restaurant & Bar
McMillan, John
Meadowvale Residents' Assn.
Melita S.C. Inc.
Metro Toronto Condominium Corporation No. 628
Metropolitan Community Services Dept. - Homes for the Aged Div.
Metropolitan Toronto Police
Mohawk Inn
Motor City Bowling Ltd.
Municipality of Metropolitan Toronto
My Sister's Place
National Club
New Garden Restaurant & Tavern Ltd.
New Toronto Business Assn.
Non-Alcoholic Beer & Wine Distributor's Assoc.
Northern Ontario Tourist Outfitters' Assn.
Nixon, Brian
Ontario Association of Chiefs of Police
Ontario Convenience Stores Assn.
Ontario Curling Assn.
Ontario Federation of Home & School Associations Inc.
Ontario Federation of Students
Ontario Golf Assn
Ontario Hotel & Motel Assoc.

Ontario Imported Wine & Spirit Assn.
Ontario Inter-Faith Liquor Legislation Com.
Ontario Jockey Club
Ontario Liquor Board Employees Union
Ontario Motor Coach Assn.
Ontario Police Commission
Ontario Public Health Assn.
Ontario Restaurant & Foodservices Assn.
Ontario Secondary School Teachers' Assn.
Orchard Park Tavern
Palm Restaurants Ltd.
Panache Rotisseurs Inc.
Panama Joe's
Parents to Reduce Impaired Driving Everywhere (PRIDE)
Pillar Ad Ltd.
Pin, Anthony
Pinetree Coffee Shop
Place de Royal Tavern
Prestige Athletic Clubs
Pre 244549 Holdings
Primrose Club
Racetracks of Canada Inc.
Raclette Restaurant
Ramada Renaissance Hotel
Rapp, Morton S.
Rasmussen, Kary
Regional Municipality of Durham
Regional Municipality of York
Renaissance Plaza Residents
Residents Assoc. of the City of Toronto
Reville, David, (MPP, Riverdale)
Richmond Green Sports Centre
Roberts, William
Rowers Restaurant
Royal Canadian Legion Br. 66
Royal Canadian Legion Br. 528
Royal Canadian Legion Ontario Command
Royal Canadian Yacht Club
Ruby, Clayton
Ryerson Polytechnical Institute - Students' Union
St. Hubert Barbeque
Satschko, N.
Scarborough Mirror
Scott, Allan
Sheraton Centre
Sheraton Parkway Hotel
Sheridan College Student Admin Corp.
Smith, David P., MPP
Solnik, Sidney
Society of the Plastics Industry of Canada
Spanky's Fine Food Restaurant
Sparling, Linda, Trustee Ward 11
Stadium Corp of Ontario Ltd.
Students' Union Ryerson Polytechnical Institute
Superfitness
Sutton Place Hotel
Swart, Mel, (MPP for Welland-Thorold)
Tam-Heather Country Club
Thomas, Stephanie
Torion Trading Ltd.
Toronto Assn of Neighbourhood Services
Toronto Board of Education
Toronto District Woman's Christian Temperance Union
Tourism Ontario Inc.
Town of Richmond Hill
Town of Richmond Hill Parks and Recreation Dept.
University of Toronto (SAC)
University of Toronto (Scarborough Campus)
Upper Canada Brewing Company
Upstairs at L'Hardy's
Versa Food Services
Villeneuve, Noble
Wallis, Hugh
West Toronto Inter-Church Temp. Fed.
Westin Hotel
Westwood Billiards
Wheat Sheaf Tavern
Whitman Gallery
Wine Council of Ontario
Winston's Restaurant
Wolfish, Martin
York Central Hospital
York County Quality Foods Ltd.
York University, Council of the York Federation of Students
York University, Graduate Students Assoc.
York University, Provost
York University Housing & Food Services
Young, G.A.
Yuk Yuk's Komedy Kabaret